S. HRG. 108–909

OVERSIGHT ON SAGE GROUSE CONSERVATION

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

SEPTEMBER 24, 2004

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ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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C O N T E N T S

OVERSIGHT ON SAGE GROUSE CONSERVATION

FRIDAY, SEPTEMBER 24, 2004

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON FISH, WILDLIFE AND WATER,
Washington, DC.

The committee met, pursuant to notice, at 9 o'clock a.m. in room 406, Dirksen Senate Office Building, Hon. Michael D. Crapo (chairman of the subcommittee) presiding.

Present: Senators Crapo, Thomas and Reid.

OPENING STATEMENT OF HON. MICHAEL D. CRAPO, U.S. SENATOR FROM THE STATE OF IDAHO

Senator CRAPO. This hearing will come to order.

This is a hearing of the, I guess we'll call it the Subcommittee Oversight Hearing of the Committee on Fisheries, Wildlife and Water Dealing with Sage Grouse Conservation.

For more than 100 years in America, the State Government and supportive private wildlife conservation groups have protected, restored and sustained our Nation's wildlife. Thirty years ago, the Federal Government started the endangered species program as a safety net to provide emergency responses for needs for wildlife restoration.

Today, and especially concerning the sage grouse, we are learning how these two fundamentals of American wildlife policy, the State and local program and the Federal program, can work together. The State and local program needs the flexibility to respond when concerns arise. The Federal program must be vigilant, but not premature in acting. Both need equal ability to involve both private and Federal land managers.

We may not be perfect in this yet, but today we will discuss an excellent example of how it is working and where it needs to improve. State wildlife managers and private conservationists from energy companies, ranching families and environmental and sportsmen's groups are leading this effort. Federal agencies are helping. This is a good start. Together they are responding to declines in the harvestable surplus populations of sage grouse. We need this work to continue, and we need the ability to try new ideas until we find those that work.

A proposal has been made to list this bird under the ESA.

Listing the bird, if it happens, ironically, will limit our options for helping it. But today, we're here to focus on first things first: what we are going to do in the field and what we need to try next.

I have directed the attention of the witnesses to the outline of ideas for sustaining sage grouse conservation prepared by our staff. I ask unanimous consent that it be included in the record.

Without objection, it will be.

[The referenced document follows:]

Outline of Ideas for Sustaining Sage Grouse Conservation

Drafted by staff of the Subcommittee on Fisheries, Wildlife, and Water of the Committee on Environment and Public Works, U. S. Senate

September 22, 2004

Subcommittee staff has identified two objectives likely to help sustain current efforts to manage sage grouse:

I. Begin substantive technical deliberation among state and federal agencies and non-federal partners on management actions.

II. In conjunction with the substantive deliberations, begin negotiations within an inclusive group of partners who are willing each to contribute funding, labor, or expertise to carry out management actions in partnership with federal land management actions.

Categories of participants and examples of specific ideas.

I. Energy: includes oil, gas, and electricity.
   - A. Currently committed through stipulations and mitigation to survey for sage grouse among other management actions.
   - B. At least one proposal (from Questar) offers a scenario for minimizing surface disturbance (including service traffic) and supporting mule deer and other wildlife management by using pipelines to carry water and gas condensate.

II. Environmental: at least two groups currently contributing to management results.
   - A. The National Wildlife Federation is already running a multi-state lek survey program.
   - B. The Nature Conservancy has designed a data-collection effort.

III. Ranching:
   - A. Committed through restrictions on special use permits on federal land.
   - B. Invested in local working groups in multiple states supporting projects to seed sage brush and grasses, reverse juniper encroachment, redistribute and lower stocking rates, and measure populations (e.g., radio telemetry).

IV. State wildlife management agencies: the authority on population management and a source of expertise in field work.

V. Sportsmen's groups: also expert on wildlife management issues and running land-trust and other habitat conservation programs.

Policy objectives for discussion:

I. Reorganize current survey efforts by states, energy companies, the NWF, and others to cover the largest possible area and produce a reliable population index.

II. Negotiate stipulations, restrictions, and mitigation on federal land to preserve a base of remaining breeding and winter habitats.

III. Begin or accelerate sage and understory habitat restoration on BLM land with willing landowners. This may require innovative policies and new management techniques. Perhaps choose six or more areas (e.g., one in each of six states) for intensive efforts and experiments where permit- and lease- holders can bank their commitments.

Senator CRAPO. This document summarizes the current situation and its potential for breakthrough in wildlife conservation partnership. The parties represented on our panels today want to figure out together what techniques and approaches will improve sage grouse populations. They want to negotiate the details of who will commit to which of the necessary tasks and at what cost.

I'm certain that if such a diverse group can agree to work together for wildlife that our land management policies and regulations can support it even if it means revising an existing plan or manual or regulation or law. Today, we begin to look into this exciting possibility, and I appreciate all those who have joined us here in getting this started.

In addition to those present today, other partners involved in this issue have submitted statements for the record. Governors Kempthorne of Idaho, Guinn of Nevada, Owens of Colorado, and others have pioneered many of the ideas that we will cover. Again, I ask unanimous consent that the letter sent from the Western Governors Association be included in the record. Without objection, so ordered.

[The referenced document follows.]

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September 24, 2004

The Honorable Michael D. Crapo
Chairman
Senate Environment and Public
Works Subcommittee on Fisheries,
Wildlife, and Water
SD-410 DSOB
Washington, DC 20510

The Honorable Bob Graham
Ranking
Senate Environment and Public
Works Subcommittee on Fisheries,
Wildlife, and Water
SD-410 DSOB
Washington, DC 20510

Dear Senators Crapo and Graham:

On behalf of our Western colleagues we are writing to thank you for holding today's hearing on state and private programs for sage grouse conservation. We appreciate yours, and the Subcommittee's, leadership on this very important topic. We are pleased to have this opportunity to transmit two reports to the Subcommittee that detail ongoing efforts by Western States, Tribes, Canadian Provinces, and private landowners to conserve the Greater Sage Grouse. In addition, we have attached a policy resolution on sage grouse conservation that was unanimously approved at the Western Governors' Association meeting last February. We ask you to include these documents in the official hearing record.

The Western States recognize that sage grouse are an important natural component of the sagebrush ecosystem, serving as an indicator of the overall health of the sagebrush ecosystem in western North America. Therefore, we have devoted considerable effort to develop new science, collect information and conduct analyses of the sage grouse, as well as in preparing individual state conservation plans.

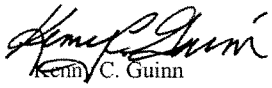
What we are now witnessing is an unprecedented conservation effort. Eleven states are working cooperatively with numerous partners to protect the Greater Sage Grouse. Given the scope of this area, which stretches from Colorado to California and north from Utah to Montana, the conservation effort highlighted in these documents is nothing short of remarkable. With 543 listed species, the West clearly has much to gain from cooperative conservation, and we are leading the way by charting a new course towards grassroots-driven species protection with an emphasis on species recovery, not process. We strongly believe these efforts have made and will continue to make a positive difference. Therefore, any decisions in regard to the status of the sage grouse would be premature prior to the completion of the states' conservation plans and the range-wide conservation framework scheduled for completion in 2005.

Thank you again for your leadership on this very important issue. We look forward to working with the Subcommittee on this, as well as other issues of importance to the West.

Sincerely,

Bill Owens
Governor of Colorado

Chair and Co-Lead Governor for Sage Grouse



Kenny C. Guinn
Governor of Nevada

WGA Co-Lead Governor for Sage Grouse

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WGA Policy Resolution 04-01
February 24, 2004
Washington, D.C.

Sage Grouse Conservation

SPONSOR: Governors Guinn and Owens

A. BACKGROUND

1. In 2000 the Western Association of Fish and Wildlife Agencies (WAFWA) entered into a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management to provide for cooperation among the agencies in the development of a range-wide strategy for the conservation and management of sage grouse and their habitat.

2. The Western States through their membership in the WAFWA have recognized that sage grouse are an important natural component of the sagebrush ecosystem. Sage grouse serve as an indicator of the overall health of the sagebrush ecosystem in western North America. The historic range of the sage grouse included 15 Western states (California, Colorado, Idaho, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Montana, North Dakota, South Dakota, Utah, Washington and Wyoming).

3. In December of 2003, the U.S. Fish and Wildlife Service (the Service) announced that it intends to address all outstanding petitions for the listing of the Greater Sage Grouse by March 29, 2004.

4. The Endangered Species Act requires that within 90 days of receiving a petition, the Service determine whether the petition contains sufficient biological information to indicate that further review of the species' status is warranted. This is the first step in a process to determine whether a species should be listed as threatened or endangered. If a status review is warranted, the Service will begin a nine-month review to determine whether the species in question should be listed. That 12-month finding may conclude that such a listing either is "not warranted," "warranted but precluded" by higher priority listing actions, or "warranted." If, after the initial 12-month review, the Service believes the species warrants listing (and listing is not precluded), the Service will propose to list the species, which may take an additional 12 months.

5. The final Policy for Evaluation of Conservation Efforts (PECE) was published in the Federal Register on March 18, 2003. It identifies criteria to be used in determining whether proposed conservation efforts for a candidate or sensitive species are likely to contribute to improving the habitat and the species' survival, thereby making a federal listing unnecessary. The policy applies to conservation efforts identified in conservation agreements, conservation plans, management plans, or similar documents developed by federal agencies, state and local governments, tribal governments, businesses, organizations and individuals.

6. The sage grouse's current range extends across eleven states (California, Colorado, Idaho, Nevada, Oregon, Montana, North Dakota, South Dakota, Utah, Washington and Wyoming). These states are working to develop state conservation plans in an effort to avoid a potential listing of the species and to protect and enhance existing populations of sage grouse and their habitat. This effort is in coordination with the MOU referenced above.

B. GOVERNORS' POLICY STATEMENT

1. The Western States and their partners in the MOU have devoted considerable effort to developing new science, collecting information and conducting analyses of the sage grouse. The Western Governors urge the Service to fully utilize state-developed science, and compile and evaluate this new information for inclusion in the review process following completion of the state plans.

2. The Western Governors recognize that there is a need to evaluate the species' status and develop overall management criteria at the range-wide level so conservation needs and successes can be assessed. The Western Governors support the states' efforts to develop their own individual management plans, which take into account unique characteristics including abundance and distribution, challenges to and opportunities for conservation, land uses, and human impacts.

3. The Governors believe that the efforts undertaken by the various state working groups should be directed toward satisfying the PECE process in identifying conservation efforts that are likely to contribute to improving the habitat and species' survival, thereby making a threatened or endangered federal listing unnecessary.

4. The Governors urge the Secretary of the Interior and Secretary of Agriculture to devote any and all available resources; including direct grants to state and local entities to assist the various states in the development and implementation of their conservation plans, and urge Congress to provide the appropriate funding to that end.

5. The Governors urge the parties to the MOU to complete the work outlined in a timely manner and to avoid taking actions that would interfere with the continuing development of all state conservation plans envisioned under the agreement.

6. The Governors believe any decisions in regard to the status of the sage grouse would be premature prior to the completion of the states' conservation plans and the range-wide conservation framework described in section III of the MOU. The Service should delay a finding until all states have finished their individual conservation plans and the range-wide, strategic plan has been completed. Rushing toward a listing in advance of a range-wide, strategic plan could be detrimental to the conservation efforts currently taking place on private lands.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association (WGA) shall convey this resolution and a copy of the MOU to the President, the Office of Management and Budget, the Council on Environmental Quality, the Secretary of the Interior, the Secretary of Agriculture, and the appropriations and authorizing committees for the Interior and Agriculture.

2. The WGA shall facilitate coordination of interested states to work with the signatories to the MOU in assuring that the objectives of this policy are met and to enhance coordination of efforts across political boundaries to achieve stable and healthy populations; provide valuable information to decision-makers and project partners; and further activate concerned individuals, organizations, and agencies to implement projects that conserve the sage grouse.

3. The WGA shall compile and document state and private efforts to conserve the Greater Sage Grouse and highlight success stories throughout the western states.

Senator CRAPO. I also welcome the statements to be submitted for the record from The Nature Conservancy.

[The referenced documents follow on pages 95–102.]

Senator CRAPO. Before I go ahead and introduce our witnesses, I'd like to turn to Senator Thomas of Wyoming for any opening statement that he may have.

Senator Thomas.

OPENING STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM THE STATE OF WYOMING

Senator THOMAS. Thank you, Mr. Chairman. Thank you for having this hearing. Certainly we've had a lot of conservation and a lot of interest in sage grouse in Wyoming. I'm particularly interested in how we work with these kinds of issues with regard to the Endangered Species Act. You were good enough to allow us to have a hearing in Wyoming a while back, and we're looking for ways to make this Act work better, and I think we have an opportunity here to talk about how we can work together, hopefully without listing, so that we can have, protect the grouse, at the same time be able to have multiple use of the lands.

Those are the things, of course, that we've talked about in the West. There are about 11 Western States that have a real sage grouse population. In Wyoming, we have a good deal of it there, as I said, and have been concerned about the Endangered Species Act. We've had over 1,300 species listed and yet only recovered about 16. So we ought to be emphasizing the opportunity to be able to preserve these without the listing and without the problems that go with it.

So we look forward to the hearing and look forward to being able to work together to make this thing work. Thank you, sir.

Senator CRAPO. Thank you very much, Senator.

Senator THOMAS. Oh, by the way, I want to welcome Assistant Deputy Secretary Chad Calvert here, who is a native of Wyoming and an old friend from years past. Welcome, Chad.

Thank you.

Senator CRAPO. Senator Reid.

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. I would first like to thank the Chairman for the opportunity to hold a hearing on local conservation efforts for sage grouse.

I would also like to welcome the panelists and take a moment to especially thank two witnesses who have traveled from Nevada: Terry Crawforth, director of the Nevada Department of Wildlife and Gary Back of the Northeastern Nevada Stewardship Group. With several conservation groups, like Mr. Back's Stewardship Group, working together to avoid harm to our local economies while at the same time advancing the conservation of the sage grouse, I am proud Nevada has evolved as a leader in this fight.

Together with Chairman Crapo, I have advocated using the Farm Security and Rural Investment Act of 2002 (Farm bill) conservation programs to help local communities like Elko, NV, engage in voluntary conservation efforts for species like sage grouse.

In fact, the Farm bill's Wildlife Habitat Incentives Program (WHIP) encourages private and public agencies to develop wildlife habitat on their properties, and specifically has directed funds to enhance habitats for sage grouse.

I know more can be done, and I am committed to improving local conservation efforts. I look forward to hearing suggestions from our witnesses.

Senator CRAPO. We have three panels today. I'm going to introduce the panels right now and then will give a couple of instructions to the witnesses and get going. On our first panel is Chad Calvert, who is the Deputy Assistant Secretary for Land and Minerals at the Department of Interior and Bruce Knight, who is the Director of the Natural Resources Conservation Service at the Department of Agriculture.

Our second panel consists of Terry Crawforth, director of the Nevada Department of Wildlife. Terry, you have the second panel all to yourself.

Our third panel consists of Greg Schnacke, who is president of the Colorado Oil and Gas Association; Gary Back, principal ecologist at SRK Consulting and the Northeast Nevada Stewardship Group; John O'Keeffe, vice chairman of NCBA Federal Lands Committee and Sage Grouse Task Force; Ben Deeble, the sage grouse coordinator for the National Wildlife Federation, and Jim Mosher, North American Grouse Partnership and the American Wildlife Conservation Partners.

For our witnesses, we are very interested in what you have to say.

We are going to be very careful and thorough in reading your written testimony. We ask you to keep your oral presentations to 5 minutes. We have the little lights there to help you. That way we will have an opportunity to engage in some dialog and some questions.

So please try to pay attention, I know it's hard to pay attention to the lights. I always sort of tongue in cheek say that your time will run out before you've said everything you want to say. So what we'd like to ask you to do is try to finish up what you wanted to say during the questions and the dialog that we will have afterwards and try to pay attention to those lights.

With that, let's go ahead and begin with this panel. We'll start first with you, Mr. Calvert.

STATEMENT OF CHAD D. CALVERT, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. CALVERT. Thank you, Mr. Chairman, members of the committee, Senator Thomas, for giving us an opportunity to discuss the Department of Interior's cooperation with State wildlife agencies, private landowners and others to conserve sage grouse and its habitat.

There has been an unprecedented effort spanning multiple Federal agencies, 11 States and hundreds of counties and local partners. I would ask that my written statement be made a part of the record, and I will summarize it for you.

Senator CRAPO. Yes, in fact, with regard to all statements, they will all be part of the record.

Mr. CALVERT. Thank you.

Before I begin, I have with me some folks from BLM and from the Fish and Wildlife Service, and I may ask them to assist me with any technical questions you may have.

The Department is responsible for managing a lot of sage brush across the West. BLM alone has approximately 57 million acres. Roughly 40 million acres of that is either occupied or suitable habitat for sage grouse. This is well over half of the remaining suitable or occupied grouse habitat.

In 2000, the BLM, Fish and Wildlife Service, U.S. Forest Service and Western Association of Fish and Wildlife Agencies, WAFWA, signed a MOU to develop a framework for conservation planning across the range of the sage grouse. A State and Federal team was created to represent three Federal agencies and four States. That team and the framework have accomplished a lot in 4 years. They have collected and organized information about the condition of habitats, the status of populations and identified potential threats. Much of this data is available on the Sage Map web site, which is maintained by the U.S. Geological Survey.

That team has also been instrumental in initiating cooperative conservation planning for sage grouse across all 11 States at both the statewide and local levels. Those plans are now being completed and the majority should be in place within the next year. Ultimately, we would like to see all the plans pulled together into a range-wide strategy for the sage grouse.

The BLM has also drafted a national sage grouse habitat conservation strategy in the summer of 2003, and put it out for comment. In February and March of this year, BLM Director Kathleen Clarke went to towns all across the West and held a series of listening sessions. The strategy will incorporate many of the comments that we received in those listening sessions. The strategy is designed to complement the work of the State wildlife agencies and to help guide BLM offices in their planning and best management practices.

In terms of funding, the BLM will spend over $14 million on sage grouse conservation in fiscal year 2004. It is seeking an increase of $3.2 million for fiscal year 2005 for restoration and conservation of habitat. These projects supplement our planning efforts and support specific cooperative projects to improve sage groups breeding, nesting, brood rearing and winter habitat.

As part of the ESA status review, the BLM has also offered information to Fish and Wildlife Service on its planning standards and programs designed to protect habitat. Examples of those include range health standards, systematic monitoring and assessment, mitigation measures and fire and riparian restoration.

The Special Status Species Program is BLM's overarching regulatory mechanism to protect species. The Department's manual requires agencies to utilize authorities to not only protect listed species but also to avoid precipitating the decline of other species to the point where a listing would be appropriate. BLM's manual specifies that sensitive species will be given the same level of protection afforded to Federal candidate species.

In all 11 States where BLM manages sage brush, they classify greater sage grouse as a sensitive species. So the BLM pays close attention to sage grouse in all its planning efforts. As an example, the BLM Wyoming standards and guidelines for healthy range lands require, among other things, that range habitat that supports T&E species or sensitive species must be maintained or enhanced.

For other activities such as mineral development, recreation use, rights of way, BLM-Wyoming's mitigation guidelines for surface disturbing activities are applied. For sage grouse and sharptails grouse, this generally means no activities are authorized within nesting habitat from February 1 to July 31, or in critical winter concentration areas from November 15 to April 30. Similar mitigation is required by BLM across the range. The standards differ from place to place, because they are developed collaboratively between BLM and each individual State.

Fish and Wildlife Service also has many conservation tools at its fingertips to help private landowners, State and local government and other non-Federal partners in conservation. The Candidate Conservation Agreement and Candidate Conservation Agreement With Assurances are two very important tools. The Candidate Conservation Agreement was used successfully earlier this year to help ensure that the slickspot peppergrass in the State of Idaho was not necessary to list. That was an agreement between the BLM, State of Idaho, Idaho Army National Guard, and several private property owners who held grazing permits.

The Candidate Conservation Agreement With Assurances is an important tool for non-Federal property owners who may voluntarily agree to remove threats to proposed or candidate species, and they receive assurances that their efforts will not result in future regulations beyond what they agreed to in the event the species is listed.

The Fish and Wildlife Service also uses the Landowner Incentive Program to provide financial assistance to partners interested in implementing conservation that benefits listed species on their private property.

Since my time is about up, this concludes my statement. I do have more to say, obviously. I'd be happy to answer questions that you have.

Senator CRAPO. We will let you get into that in just a minute. Thank you very much.

Mr. Knight.

STATEMENT OF BRUCE I. KNIGHT, CHIEF, NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Mr. KNIGHT. Mr. Chairman and members of the committee, thank you for the opportunity to present the Department of Agriculture's perspective on habitat restoration and preservation associated with sage grouse. I want to express my gratitude for your interest in the USDA's role in helping farmers and ranchers improve sage grouse habitat.

For nearly 70 years, NRCS has been assisting owners of private lands conserve their soil, water and related natural resources. We

deliver technical assistance based on sound science, suited, we believe, to a farmer's or rancher's specific needs.

In addition, NRCS provides voluntary assistance to landowners in the form of financial incentives, cost share and conservation easements. As you know, in 2002, President Bush signed into law the most conservation oriented Farm bill in history, which reauthorized and greatly enhanced conservation programs, and emphasized the need to help producers meet regulatory challenges.

From the standpoint of the mission and perspective of NRCS, we recognize that the issue of sage grouse habitat has become of increased concern to many ranchers. We also recognize that 28 percent of the existing sage grouse habitat is in fact found on private lands, or about 40 million acres. Our goal is to help producers maintain and improve sage grouse habitat as part of their larger management efforts that provide multiple benefits.

Under the leadership of Secretary Veneman, we have taken proactive steps to provide additional program assistance specifically for sage grouse habitat conservation. Last month, the Secretary announced $2 million in Grassland Reserve Program funding for projects that protect sage grouse habitat. The initiative was made available in Colorado, Idaho, Utah and Washington, and was in addition to nearly $70 million already made available this year through the Grassland Reserve Program.

The Department also recently announced targeted sage grouse assistance through the Wildlife Habitat Incentives Program. For example, as a result of that project, NRCS provided $350,000 to protect habitat at Parker Mountain, UT. Under that specific initiative, landowners are using cost share funds for brush management, reseeding, water development and wildlife habitat management on approximately 104,000 acres.

But our assistance to sage grouse goes far beyond the targeted funding that we have already announced. For example, our Agency's flagship conservation cost share program, the Environmental Quality Incentives Program, is providing nearly $1 billion in conservation incentives and cost share assistance nationwide this year. That will include a wide range of habitat preservation efforts, and water conservation efforts that will in turn help the sage grouse.

We also know that the conversion of farms and ranches to nonagricultural use poses a particular challenge to fragmented sage grouse habitat. I would note that the Department's Farm and Ranch Lands Protection Program is providing $112 million this year to protect farm and ranch land from further development.

While it's difficult to quantify the impacts, we know that our programs are making important contributions toward protecting and developing sage grouse habitat. Combining the efforts of all our programs and technical assistance, NRCS estimates that this year more than 80,000 acres of sage grouse habitat will benefit directly from private lands conservation efforts, with more than 1 million acres having secondary benefits.

Although we are proud of these accomplishments, we want to try to do even more to ensure that we are ready to meet what we see as future challenges. For that reason, we are expanding conservation planning and practice measures that benefit sage brush and sage grouse habitat, and are also taking steps to develop new sci-

entific and technical tools for our field staff. We must provide our people with as much knowledge, data and technical standards as possible in order to ensure that farmers and ranchers are getting the expert advice they need and expect.

We also want to ensure that we partner appropriately with agencies with in the Department of Interior and nationwide. While it's clear that these significant gains are being made on private lands, it's important to ensure that the voice of agriculture is being heard and that the stories of success on farms and ranches are incorporated into discussions and decisions about the sage grouse.

Earlier this year, we initiated the leadership retreat with the Fish and Wildlife Service in order to give the top leadership of both agencies insight into each other's operations and explore ways in which we can improve upon and build upon those collaborations.

Mr. Chairman, there are many challenges ahead. But we're enthusiastic about what is being done on private lands and about the further progress that is possible. Thank you for inviting USDA to participate in today's hearing. I would be pleased to respond to any questions.

Senator CRAPO. Thank you very much, Mr. Knight.

Mr. Calvert, I'll start with you with my questions. The BLM has already classified the sage grouse as a sensitive species. That requires the field staff to follow certain specific procedures. You referenced the BLM manual and other guidance in your remarks as the sources for those current procedures.

The question I have is, how deeply are these procedures set in stone? What I mean is, if we develop more effective procedures through the concerted efforts that we are talking about here in this hearing, how would those policies be able to be adapted?

Mr. CALVERT. The standards and guidelines are flexible. The actual factors in the range land health standards guidelines are set. But they are amendable, of course, and differ from State to State. The actual monitoring and assessment that goes along with monitoring grazing allotments is something that can be different from field office to field office. Certainly, if they are successful best management practices they should be incorporated into those. The other mitigation standards that I talked about for surface disturbance activities also differ from State to State.

BLM develops those in conjunction with the State Government, usually the fish and game from each State, to determine what, for example, is the nesting size that needs to be protected during nesting season, is it a half a mile or is it a mile or is it 3 miles. That's something that can be different from place to place.

Senator CRAPO. So there's really no structural, like a regulatory or statutory impediment to making the adjustments in this process, if we identify through the public-private, State and local, Federal efforts that we're talking about today new or different procedures that we would like to follow?

Mr. CALVERT. That's correct.

Senator CRAPO. Good.

Mr. Knight, first of all I want to say thank you for the tremendous efforts that you oversee in terms of the resources that you described in your testimony that we are bringing to bear on conservation through the farm programs. As you know, I also chair the com-

mittee in the Agriculture Committee that has jurisdiction over the conservation title of the Farm bill and have been very involved in drafting those provisions which you are now administering.

Many times I have said that I think one of the things that goes unnoticed in this country is that perhaps the most important environmental legislation that we work on here in Congress are the conservation provisions in the Farm bill, because of the amount of significant Federal resources that are put to bear in terms of accomplishing the conservation objectives of the Federal Government. The programs that you administer do tremendous good in that context. So first, I want to thank you for that.

Mr. KNIGHT. Thank you.

Senator CRAPO. The question I have is, the programs through which you are making funds available are competitive grant application type programs, if I understand that correctly. When you focus them on the sage grouse conservation, does that mean that all sage grouse proposals compete with each other, or that the sage grouse proposals are competitive with other non-sage grouse proposals?

Mr. KNIGHT. With most of our programs, what we will have is a ranking system designed in each individual State meeting the local needs and priorities of that State. That's generally established by our professional staff in the State working closely with the State Technical Committee which brings in outside expertise from State Agencies, including the wildlife agencies and very importantly, the ranching and the farming community and environmental community. It's a wide open process. We're able to establish a ranking procedure.

So earlier this year, we sent out a strong urging for folks to adjust ranking procedures in order to be able to put sage grouse habitat efforts higher up in the process. So if you establish a ranking procedure and you get the maximum 100 points, they may be given additional points for sage grouse habitat. That's how in most of the States that is being done.

In a few States they may do a pool. I'm not aware of, at this point in time, of us having done a pool separately within any of the programs for sage grouse or sage grouse habitat.

Senator CRAPO. OK. Then I have just two other questions related to that. One is sort of the same question I asked Mr. Calvert. From what you described, I think the answer would be yes, but I want to be sure about this. If the partnerships that we're talking about here today between State, local, Federal and private efforts come together and work effectively and generate an approach to sage grouse management, is the system that you have in place sufficiently flexible to accommodate those new interests and perhaps change or increase priorities on different types of projects as a result of the work of this group?

Mr. KNIGHT. We make every attempt to have a process that's as flexible and as locally led as possible, and consciously try to roll as many decisions down to the county level as we possibly can about how to make an evaluation on where we're at. We do try to standardize practices to the extent that we're not following the latest scientific whim or scientific article that's been written. So we try to have things standardized to the extent that you have good sound

science. But we also try to maintain a very flexible, local regime on determinations.

Senator CRAPO. All right, thank you. I do have another question or two for each of you, but my time has run out, so I will turn to Senator Thomas.

Senator THOMAS. Thank you.

Mr. Calvert, what is the basic numerical background or reason for doing some of the things you're doing with regard to sage grouse? Is there evidence that there's a loss of sage grouse? Are there numbers that have changed? What's the basis for that?

Mr. CALVERT. I would defer to the State fish and wildlife folks for the actual discussion about demographics. Clearly there's been a large decline in habitat. I don't think that there's a definitive number for the population. Over 50 percent loss of historical habitat, largely due to agriculture conversion in places like Washington State, southern Idaho and also urban development, cities and subdivisions moving in and piling under sage brush to build homes, occasionally a sage grouse, I suspect.

But in terms of population, that was the subject of the WAFWA report that was issued this summer. It's the baseline that we're all working from now in terms of numbers. I believe it's clearly a subject that the Fish and Wildlife Service is looking at in its status review. From Wyoming, Wyoming I believe has some 30 or 40 percent of total occupied sage grouse habitat, on BLM lands, anyway. In terms of numbers, clearly it will have a profound impact on listing on activities in the State of Wyoming.

Senator THOMAS. What now? Of course there's no listing, but has BLM applied restrictions on the use of land? If so, what's the basis for that?

Mr. CALVERT. As a special status species, where identified by State fish and game as such, the BLM imposes in its planning efforts mitigation factors on all activities. It generally either hinges on the surface disturbance mitigation factors, which may be, for example, no surface occupancy during times of breeding or during critical winter habitat. Or it may be in terms of standards and guidelines for range land health, going out and looking at the health of the sage brush and the understory to make sure that that important habitat for sage grouse is being maintained, and then modifying grazing practices accordingly.

But that's something that's been going on since, I think probably mid-1990's, at least, managing it as a special species.

Senator THOMAS. There may be some seasonal restrictions, then. Do these apply, for instance, for energy production and so on?

Mr. CALVERT. Yes, absolutely. That's already incorporated in most of the plans in the State of Wyoming, at least. There are seasonal restrictions. I believe the distance from the lek may vary from place to place. But it is generally at least a half a mile, where there is no surface occupancy from February to July of each year. Then for critical winter habitat, you have similar restrictions on surface occupancy.

Senator THOMAS. Mr. Knight, have you in these efforts that you both talk about, have you seen changes in the numbers?

Mr. KNIGHT. With our data, it's difficult to show hard changes in numbers of birds yet, with the efforts we're doing right now.

We're in the process of building that more comprehensive conservation assessment.

But the anecdotal reports coming back are very positive. When we're working with a private landowner, building a range management plan, pointing out that there's a lek over here or a lek there, and you might want to rotate that pasture at a time when you're not hitting the cows on it during critical habitat needs, you end up having a very positive response fairly rapidly.

But those are still anecdotal and very difficult to quantify. That challenge of quantification of conservation efforts has been a major challenge for the Agency for a long time. We are making major investments outside of the sage grouse effort in being able to improve the quantification of those efforts to really be able to evaluate which practice has the greatest return.

Senator THOMAS. So most of this is in private land farm activities as opposed, say, for instance, to the Forest Service?

Mr. KNIGHT. Our specific Agency's work is private lands. We do some cooperative work where you have the private lands and the Federal lands interspersed. So the EQIP program can provide some assistance on Forest Service or other lands where it is of benefit to the private lands adjacent or adjoining it.

Senator THOMAS. How much of this is driven, either of you, by lawsuits or threats of lawsuits?

Mr. CALVERT. Well, at the Department of Interior, we get sued every day. It's something that we deal with. A lot of it, and I should probably defer here to the Fish and Wildlife Service about their listing, lawsuits clearly drive the listing process, although this one is not the subject of a lawsuit. There were seven petitions to list filed in the last 4 years, and Fish and Wildlife Service combined three of the ones to list the greater sage grouse and is now operating on that status review. That's not driven by a lawsuit. But a lot of the other activities are.

Senator THOMAS. I hope we're not managing by lawsuit.

Thank you.

Mr. KNIGHT. In the case of NRCS, if I might add, because so many of the decisions are made at the State level with the advice of the State Technical Committee, most of our reaction to sage grouse has been because of a demand from the ranching community wanting to get out in a proactive manner ahead of this particular issue.

Senator THOMAS. Good. Thank you.

Senator CRAPO. Thank you. Just a couple of other questions here. I assume both of you are familiar with the outline of ideas that we've submitted for your review before the hearing. I'd just like to ask each of you your general feeling about the ideas proposed there, namely the notion that we could develop a more inclusive group than the current group that would include participants as listed in the outline, for example, from the energy community, from the environmental community, from the ranching community, State and wildlife management agencies and sportsmen's groups to participate in the process.

My main question here is just, what are your thoughts about the approach identified in the outline?

Mr. Calvert.

Mr. CALVERT. I think it's a very good approach. The one thing that isn't clear is the scope. Although on the second page, it discusses that there may be six or more areas where we would want to carry out sort of pilot projects, I guess.

The important thing is that management of the sage grouse habitat is very different from place to place. In some places you have intensive energy development, in other places you have none. So it would be very site specific. I think working groups such as you have identified here have been very successful in bringing together various interests and putting some money on the table. Sometimes it's worth it to an energy company to put some money on the table for a private landowner to conserve sage habitat. You identified Questar here, they've actually been very progressive in the Pinedale, WY area about their practices that they intend to follow in development.

Senator CRAPO. I note that the State-Federal Sage Grouse Conservation Planning Framework Team includes four State agencies and three Federal agencies. Is there an impediment to expanding that group to include the others identified in the outline?

Mr. CALVERT. That group sort of developed from the MOU. I don't see any impediments to it, although right now it's all State and Federal partners. One thing that you may run into is FACA problems if you bring in private parties to sit in on a panel and discuss or reach decisions. That could run afoul of FACA if it's not properly chartered.

Senator CRAPO. Mr. Knight.

Mr. KNIGHT. The outline that was presented to us we can embrace very warmly. It's the type of collaborative conservation that we strive to do. Many of the folks that were outlined within that and the goals of it are utilized in our State Technical Committees. I might add that this is also very much in keeping with the President's recent directive to us about Cooperative Conservation, where President Bush had an announcement about 3 weeks ago to each of the Federal agencies, both the agencies represented here as well as EPA and the Department of Defense, to engage in collaborative, cooperative conservation efforts to ensure that we have fully embraced cooperation and coordination between each of the Federal agencies in responding to all conservation needs.

Senator CRAPO. Thank you. I think you can each see from my questions and from the outline that we have here the overall objective that I'm seeking to accomplish here is what I would broadly describe as a collaborative effort for the kinds of decisionmaking that we have to engage in on this and other issues. I'm trying to find out if there are any legal or structural impediments to that.

From what I've heard from both of you today, with the exception of the FACA question, which we'll need to look into, the impediment, I don't see any impediments to proceeding with a very broad collaborative effort. Would that be a fair description of your testimony?

Mr. CALVERT. I've been very impressed just with the progress that they've made so far. Sage grouse is sort of an effort of first impression, if you will, to bring in all these people and talk about how we're going to conserve habitat across 11 States. It's really quite an unprecedented effort. There are some success stories and

lessons learned, I think, out of that process that could be very easily incorporated into what you've proposed.

Senator CRAPO. Last question for me is, would each of you commit to do your very best to try to implement a collaborative effort like this as we approach these kinds of decisionmaking processes?

Mr. CALVERT. Yes, sir.

Mr. KNIGHT. Yes, sir.

Senator CRAPO. Senator Thomas, anything further?

Senator THOMAS. No, thank you, Mr. Chairman.

Senator CRAPO. All right. Again, we want to thank you for your testimony. To the extent you didn't get to orally present everything, I do want you to know that we're very thoroughly reviewing your written testimony. Nothing that you have presented will be overlooked.

Thank you very much.

We'll excuse this panel now and we'll call up our second panel, all one of you. As a reminder, our second panel is Terry Crawforth, the director of the Nevada Department of Wildlife. Mr. Crawforth, we again welcome you here with us and we look forward to your testimony.

You may proceed.

STATEMENT OF TERRY CRAWFORTH, DIRECTOR, NEVADA DEPARTMENT OF WILDLIFE

Mr. CRAWFORTH. Mr. Chairman, thank you for inviting me to discuss what I believe is the largest volunteer, species conservation effort ever undertaken.

Sage grouse were first identified by Lewis and Clark in 1831 and have inhabited North America for over 11,000 years. These spiny tailed pheasants once occupied 500,000 square miles in numbers estimated at 2 million, and require healthy sage brush ecosystems to survive. After undergoing significant declines from 1965 to 1985, sage grouse currently occupy 258,000 square miles in 11 States and 2 Canadian provinces with a total population estimate exceeding well over 250,000 adult birds.

Having adapted to a harsh environment and extreme climate, sage grouse embody who we are in the West. Concerned with the decline in the numbers and distribution, the Western Association of Wildlife Agencies committed to take the lead in conserving sage grouse through development of a science based local area conservation planning strategy.

To date, we have developed partnerships with all levels of government, tribes, industry and a diverse array of local individuals. We have installed an interdisciplinary science team, achieved grants to fund planning efforts, completed significant research, standardized data collection techniques and increased data gathering efforts and published a peer reviewed species status assessment.

This information and science was developed in order to support our most important achievement, grassroots conservation plans. Over 70 local working groups have volunteered significant effort in developing sage grouse conservation plans and are engaging in on the ground project implementation. There is seldom a single silver bullet answer to species conservation. So our conservation actions

are designed to evaluate local conservation challenges, implement treatments to address these challenges, monitor the results of the treatment and adapt future management based on those results.

In conclusion, we have learned from previous species conservation efforts and succeeded in the largest mobilization ever of the public in a conservation effort. Much of that success can be attributed to the fact that local groups were allowed to develop local solutions without the encumbrance of rules and processes such as those required by the Endangered Species Act.

Clearly this effort will benefit sage grouse, other wildlife species that depend upon sage brush habitats, and the culture and economy of the West. Successful implementation of meaningful sage grouse conservation will require years of coordinated effort and a substantial infusion of new money to match existing Federal programs such as the Farm bill, Fire and Fuels Management, Invasive Species and even the Wild Horse Program.

Neither Federal agencies that manage over 70 percent of the world's sage grouse habitat nor State and local government nor private landowners have the resources to reallocate funds from existing programs to sage grouse conservation efforts. What we need is financial support in order to implement planned projects. If I might even be as bold to suggest that this might come in the form of increased State Wildlife Grants, or even a separate federally funded sage grouse conservation initiative.

The range-wide effort to conserve sage grouse using an incentive based, publicly driven process is an historic new model for conserving a species before it needs protection by the Endangered Species Act. Local folks are best qualified to address such issues and have exhibited that they are more than willing to step up to the plate. All they need at this time is your support.

Thank you, Mr. Chairman. I would be glad to answer any questions.

Senator CRAPO. Thank you very much, Mr. Crawforth. I appreciate your testimony and have a couple of questions.

I particularly was interested in your last couple of comments about the fact that the State and local personnel and entities are prepared and ready and capable to deal with the issues. They need resources.

I'll just give you a quick little aside. I served in the House of Representatives for 6 years and this is my sixth year in the Senate, so I have been here for 12 years. Back about 10 years ago, we engaged in a big effort to try to try to bring the State and local participation more to the forefront in environmental management under a number of the Federal environmental laws.

What we ran into at that time, which totally stopped us, was the argument that the States and local efforts were not capable or committed to dealing with conservation in the country, and that it was because of their unwillingness and their lack of capacity, lack of expertise that the Federal laws had to be passed in the first place, to do what the State would not and could not do.

I thought that was a false argument at the time and continue to believe that the State and local personnel are as qualified as the Federal personnel on these issues, and stand ready as strong, willing partners who are capable of dealing with these issues. I assume

from your testimony that you would agree, but I would appreciate your comment on that.

Mr. CRAWFORTH. I think that's why, Mr. Chairman, we took the approach in the Western States that we did. We had the opportunity to be proactive regarding the species. Although I think it's our job to recognize that maybe there are some troubles on the horizon and who we wanted to involve, we knew the impacts to the lives of virtually every citizen in the West. Problems with sage grouse and sage brush habitat could impact the delivery of power to the Los Angeles metropolitan area. It's very widespread.

So we thought if we involved all groups and the local people who are out there on the ground every day, in many cases they have the answers. They just need, I guess in my mind, Government to do what it's supposed to do, and that's support them in making their lives better.

Senator CRAPO. Provide the support.

Mr. CRAWFORTH. That's what we're asking for now. We've worked on the planning. We have projects ready to go. They're on a shelf. But they're simply too expensive. They're landscape scale projects. I don't think I need to tell either of the Senators on this committee what it costs to dig up the dirt and do some other things with it.

Senator CRAPO. Certainly. You're familiar with the outline that we have put together from the committee.

Mr. CRAWFORTH. Yes, I am.

Senator CRAPO. What do you think of the approach contemplated in that outline?

Mr. CRAWFORTH. I think that approach is right on. I think it's the approach that the Western States have taken in what they're working, and certainly you can always look back and evaluate what you've been doing and see if you can do some things better. We need to refresh the memorandum of understanding that we have with the various Federal agencies to implement this program amongst ourselves. In fact, we have recently discussed bringing in at least two other Federal agencies.

You asked earlier about the framework team. The framework team is a group of biologists and scientists. We wanted that to stay as a science group, if you will. If there are other partners who can provide that science based knowledge to the group, we would certainly be willing to do that.

I would be hopeful that since it is, although it's a science group and it's sponsored by the Western Association of Fish and Wildlife Agencies that we could not have to worry about FACA and some of those things.

Senator CRAPO. I appreciate that, and we're going to look into that. If there's a problem there, then maybe we need to make some more flexibility in the Federal rules, Federal laws.

Just one other quick question before I turn the time over to Senator Thomas. You indicated that one of the big issues was resources, so that the State, local and private as well as Federal entities involved could accomplish what they know they need to do.

As I indicated earlier with regard to Mr. Knight's testimony, we in the last Farm bill put an unprecedented amount of new money into conservation programs under the Farm bill. Do you see, have you seen as a result of that, have you seen more money available,

or are there problems we need to address in terms of fine tuning the conservation titles in the Farm bill to getting money to these issues, or is this something you're familiar with?

Mr. CRAWFORTH. I see money coming available. The Farm bill has adapted enough to cover some of the western range lands. I think it's taken us a while to work through that process. But I see money coming available, I see a willingness, I mean, the way the West was settled, the majority of the lands, the richest soils and most well watered lands are in private ownership. So private landowners absolutely have to be a partner in this. The Farm bill is an ideal program to help us with that effort, with the checkerboard land ownership in the West.

Senator CRAPO. Thank you very much.

Senator Thomas.

Senator THOMAS. Thank you. I guess all of us are very interested in the cooperative effort that's happening here. Do you find a conflict among the different species, wolves, for example, or something like that in terms of trying to protect the grouse?

Mr. CRAWFORTH. We're hopeful, and to date it's proven out that sage grouse, are a sage brush obligate. They literally have adapted to the point where if they don't have sage brush to eat during a good share of the year, they won't survive.

But there are about 20 plus other species that are almost that obligated to sage brush. So we are hoping that sage grouse can be the poster child for the sage brush ecosystems, and today, and not become a spotted owl, where we have sage grouse recipes all over the countryside.

To date, that has worked. So anything we do for sage grouse would be good for the other obligate species, if you will.

Senator THOMAS. You mentioned the wild horses being something of a conflict. What do you mean by that?

Mr. CRAWFORTH. We're hopeful that we can use the various other Federal programs to help merge with sage grouse projects and there's a lot of fire and fuels management, wild horses.

In some areas of the West, we have enough wild horses that they are being destructive to the habitat. So the wild horse program needs to be funded to where we can address those issues. But certainly they have impacted, I know in my State, a number of especially water sources are adversely impacted, as for all species, agriculture, etc.

Senator THOMAS. I agree with you. I don't know that funding is the answer, but I think you need to find a way, and we do too, if you have an overpopulation, you have to do something with them.

Mr. CRAWFORTH. Yes.

Senator THOMAS. And we haven't done that.

We had an interesting bill the other day, however, in the east coast, where they wanted to pass a law to have a minimum number of wild horses. I told them we'd be happy to share with some.

[Laughter.]

Mr. CRAWFORTH. If people are thinking that, I may need a brown paper bag.

[Laughter.]

Senator THOMAS. Do you think the other State wildlife, game and fish departments, are as committed to this as you are?

Mr. CRAWFORTH. Yes, particularly the primary States, your State of Wyoming, Idaho, Oregon, Nevada, Colorado and Utah have a unique situation with the Gunnison sage grouse. But the primary sage grouse States are very committed. The ones that are on the fringes of current range, we're helping them, if that's a good term for dragging them kicking and screaming or whatever. But we're all working very much together on this and there has been a significant commitment to it.

Senator THOMAS. We hear from time to time that some grazers, ranchers in their grazing leases and permits, are sort of hindered from doing the grazing they would like to do. How much of an impact do you think this has on other multiple uses?

Mr. CRAWFORTH. I'm fully convinced that the multiple uses on western range lands can be accomplished. We all might have to make some adjustments. And certainly the argument has been made that there were more sage grouse after grazing started than beforehand. Others will argue that's just because they ate everything and you could see the sage grouse. I don't believe any of that.

I think the multiple uses and working together, maybe adjusting seasons of grazing by a week or two, sometimes enhancing hot season grazing, sometimes eliminating hot season grazing, etc. I think that's the local solution part of it that's so important. Because there's no overall, one answer to this issue. So we need to look at it locally. It may be predation in one area, grazing in another, pinyon juniper encroachment in another. So we need to look at it in that fashion.

Senator THOMAS. Thank you.

Senator CRAPO. Mr. Crawforth, the WAFWA report on sage grouse attempted the difficult but important task of gathering up existing data and trying to fit together the different types and quantities of data. Where are the greatest weaknesses in what we think we know right now about sage grouse?

Mr. CRAWFORTH. It's the, as I mentioned, there are a lot of things. But the primary is the loss and fragmentation and degradation of range lands where sage grouse live. There's a number of causes for that. I know in particular in Nevada, range fires, we've had about 3.5 million acres of sage grouse habitat converted to cheat grass and tumble mustard.

Senator CRAPO. In my experience with collaborative groups, especially on the scientific side, or information gathering side of the situation, I've found that the answers for monitoring and research are more acceptable to the parties when they have had a part in developing the question in the first place. If a partnership were to form such as we have suggested here today in the outline, how do you think we could arrange for all parties to be involved at the front end in framing the questions they are going to be asked and analyzed?

Mr. CRAWFORTH. I guess my hope would be, since we have an established process for local area planning groups that they ask the questions, establish the monitoring protocols and evaluate the answers. We have over 70 local working groups out there and would be excited about anybody else that wants to join us in providing information. I think especially from the perspective of industry, they

have a huge stake in all of this. Frequently they have the resources.

More importantly, they have the good ideas. I know in Nevada when we originally had a problem with gold mining and cyanide heat bleach and waterfowl were dying in the recovery ponds. We met with industry, told them we had to do something about this and they had the technical expertise to resolve it, and they did. That's what we need here.

Senator CRAPO. Thank you. My last question is sort of the same question I asked the other panel, I think I know the answer from your testimony, but if we move toward an approach for collaboration like we've discussed here in the outline, do you think that you and your colleagues are ready for this sort of a broadened collaborative effort to address the issue?

Mr. CRAWFORTH. I think we're more than ready. We demand it of ourselves.

Senator CRAPO. All right, thank you very much.

Anything further, Senator Thomas?

Senator THOMAS. No, sir, I don't believe so. One of the things I heard in terms of these kinds of programs by fish and wildlife departments and so on is that many of them are funded by licenses from the hunters. This really is outside of that.

How do you deal with that future funding issue in terms of fairness and equity?

Mr. CRAWFORTH. I think that's why we're, at this point in time, we have rounded up a few grants, people have given of their time, we have used some license dollars, if you will, for sage grouse projects and other funding to do the planning. That's the heavy lifting from the workload perspective but the light lifting from the money perspective. And now putting the projects on the ground is where we really need the help. I mean, chaining a couple thousand acres of pinyon juniper habitat is tremendously expensive, hundreds of thousands of dollars. There is just not the resources to do that.

So we need to move on to new funding sources from what we've done, because it's not there.

Senator THOMAS. Your State and mine, of course, are heavily Federal lands. That has a role and we need to work on that. It's just kind of hard for you to keep your emphasis on these kinds of projects when the basis of your income and so on comes from the other things.

Mr. CRAWFORTH. That's absolutely correct.

Senator CRAPO. Thank you very much, Mr. Crawforth. We appreciate your testimony and your support.

Mr. CRAWFORTH. Thank you very much.

Senator CRAPO. We will excuse you at this time, and we will now call up our third panel. Again, as they are coming up, I will introduce them. We have Mr. Greg Schnacke, president of the Colorado Oil and Gas Association; Mr. Gary Back, principal ecologist at SRK Consulting; Mr. John O'Keeffe, the vice chairman of NCBA Federal Lands Committee and Sage Grouse Task Force; Mr. Ben Deeble, the sage grouse coordinator for the National Wildlife Federation; and Mr. Jim Mosher, North American Grouse Partnership.

Gentlemen, we welcome all of you with us here today and look forward to your testimony and to getting into a dialog with you. We would like to start in the order that I've introduced you, so Mr. Schnacke, you may proceed.

STATEMENT OF GREG SCHNACKE, EXECUTIVE VICE PRESIDENT, COLORADO OIL AND GAS ASSOCIATION

Mr. SCHNACKE. Thank you, Mr. Chairman and members of the subcommittee. My name is Greg Schnacke and I serve as executive vice president of the Colorado Oil and Gas Association. I'm here representing the Partnership for the West, which is a grassroots coalition that we are a member of.

In summary, our testimony makes two important recommendations. First of all, the U.S. Fish and Wildlife Service should allow State and local officials to continue devising and managing locally led conservation efforts aimed at preserving and restoring the greater sage grouse to greater biological health and should not affect a Federal takeover of these efforts via the Endangered Species Act. Such a listing would not be in the best interests of the recovery of this species and would chill ongoing sage grouse conservation efforts.

Second, a private and public sector stakeholder group across the region should continue to engage in innovative and effective sage grouse and sage brush habitat conservation efforts. Those efforts should be coordinated as much as possible rangewide. We applaud your leadership, Mr. Chairman, in facilitating these discussions across interest sectors on a long-term conservation strategy for the sage grouse, and we look forward to engaging in these discussions.

However, we must note what we believe is obvious. If the U.S. Fish and Wildlife Service goes in the other direction and lists these species, it will not only chill current conservation initiatives, but will also discourage stakeholders from engaging in further discussions about new rangewide strategies. As the why we believe a listing of the greater sage grouse is not warranted at this time, let me make these points.

First, an unprecedented set of innovative and aggressive sage grouse conservation efforts has been launched across the West in recent years. These locally led conservation strategies will provide conservationists and wildlife managers with the most effective tools to preserve these species. We have summarized some of these in our testimony.

In contrast, threatened or endangered listing under the ESA will have a dramatic and chilling effect on these locally led conservation efforts and will discourage a wide range of stakeholders from continuing to engage in these efforts.

Second, these locally led efforts are already making a difference. The WAFWA analysis indicates population trends over the past 10 or 15 years have been up or stabilized in most of these States, in many cases, an increase in sage grouse numbers.

Now, we have serious concerns about the reliability of some of this data. An example are, many lek counts have been under-represented in sage grouse populations because they were undertaken in poor weather conditions, during the wrong season or at the wrong time of the day. The assessment failed to even recognized

leks documented by many States simply because no individuals were counted at the same time. It clearly under-represents the number of leks in existence. I would suggest the committee hold a special hearing on the validity of the data, the strength of the science. Senator Thomas, the Petroleum Association of Wyoming has a very good group that could assist in this effort.

Third, Federal officials have an important role to play in sage grouse conservation, and are already actively engaged in these efforts. BLM is expanding its national sage grouse habitat conservation strategy in close cooperation with the U.S. Fish and Wildlife Service. It will address sage grouse conservation needs across more than 50 percent of sage grouse habitat. That puts the Federal Government in a key position to continue to encourage locally driven conservation efforts in coordination with State and local officials and the private sector.

Fourth, in spite of the best intentions of Federal officials and wildlife managers, the ESA as currently written and the lawsuits that drive its implementation do not allow the U.S. Fish and Wildlife Service experts to focus on the most important goal of conservation efforts; that is, species recovery. In its 30-year history, the ESA is not very successful. Therefore, that's a debate for another day, but it's something we need to engage in.

In summary, Mr. Chairman, let me underscore our appreciation to you and your staff and the other members of this subcommittee for holding this hearing and for your interest and leadership in facilitating a continuing dialog among stakeholders on long term management and conservation strategies for the sage grouse and for sage grouse habitat.

We agree with you and the others who are testifying here today that such a dialog on a long term, rangewide management strategy must take place, and we look forward to participating fully in those talks.

Thank you.

Senator CRAPO. Thank you very much, Mr. Schnacke.

Mr. Back.

STATEMENT OF GARY BACK, PRINCIPAL ECOLOGIST, SRK CONSULTING

Mr. BACK. Mr. Chairman and members of the subcommittee, my name is Gary Back, and I'm representing the Northeastern Nevada Stewardship Group, Inc. On behalf of the Stewardship Group, I want to thank the Environment and Public Works Subcommittee on Fish, Wildlife and Water for providing the Stewardship Group an opportunity to testify at this hearing.

As a representative of one of the many volunteer local area planning groups involved in sage grouse conservation, we welcome this opportunity to provide you with information that will help sustain these local efforts. I especially want to thank Senator Reid and his staff for their assistance.

The Stewardship Group quickly realized that sage grouse was an indicator species of ecosystem health. Because of the variety of plant communities or habitats needed by sage grouse for breeding, nesting, brood rearing and wintering, the goal of managing sage grouse habitat for an optimal balance of shrubs, forbs and grasses

at community and landscape scales should be analogous to restoring and/or maintaining form, function and processes in the sage brush ecosystem. Consequently, the focus of the effort changed from a single species conservation plan to an ecosystem conservation strategy.

The purpose of this hearing is to identify what is needed to continue developing and improving our conservation efforts. From the local planning standpoint, the groups need the following. First, recognition of the local conservation planning groups. These groups must be recognized as having the standing necessary to influence resolution of the regional and national issues at the local level.

Second, give the local conservation planning process a chance. The current conservation effort for this species in over 11 Western States is being conducted by approximately 70 local conservation working groups, represents a new process for addressing species conservation. The ownership of the issues as demonstrated by local conservation working groups, is a significant step in cooperation among the stakeholders and the regulators. This process deserves a chance to demonstrate its merit.

Third, continued and increased funding of existing programs. There are already several mechanisms for funding in place. Therefore, it is imperative that funding continue to be appropriated to these programs. Some examples of existing programs include the Farm Security and Rural Investment Act of 2002, known as the Farm bill. This program has several programs that are directly related to landscape management. The funds are primarily intended for private lands.

Some of the programs with direct application to either sage grouse conservation or watershed management include Wildlife Habitat Incentives Program, the Environmental Quality Incentives Program, the Conservation and Technical Assistance Conservation, Security Program, and Emergency Watershed Program. Another source of funding is the Clean Water Act, Section 319(h). These funds are often used in watershed management. Another source is the National Fire Plan. This plan and associated funding provides for a variety of management actions that when effectively incorporated into a watershed plan can be used to reduce fuel loading and in the process improve habitat for sage grouse.

Another is the support for investigation into commercial uses of pinyon and juniper. Funding for a land grant university with a wood products lab to determine the feasibility of such an industry could change the treatment of pinyon and juniper from a cost-incurring process to a local wage producing industry. This type of industry could be an economic life saver for many of the rural communities of Nevada, Idaho, Oregon, Utah and Wyoming.

The overriding goal for the stewardship group is to restore functionality to the watersheds in our planning area, and by doing so, maintain the economic viability of our existing land base industries and develop opportunities for new land and resource based industries as a means of economic development and rural community sustainability. We believe that those that are closest to the land can make the best decisions for how the land can be managed and meet national, regional and local resource and economic objectives.

We believe that the place based or community based stewardship is necessary to reduce conflict and provide sustainability. We also believe that watershed management or ecosystem management is the most comprehensive and viable means for achieving the land values that are important to the community. The watershed as a well defined functioning unit must have all processes functioning to provide long term sustainability as well as ecosystem resiliency.

On behalf of the Northeastern Nevada Stewardship Group and the other local conservation planning groups across the Western States, I thank you for this opportunity to testify before the Subcommittee on Fish, Wildlife and Water. Thank you.

Senator CRAPO. Thank you, Mr. Back.

Mr. O'Keeffe.

STATEMENT OF JOHN O'KEEFFE, CHAIRMAN, PUBLIC LAND COMMITTEE, OREGON CATTLEMAN'S ASSOCIATION; VICE CHAIR, FEDERAL LANDS COMMITTEE, NATIONAL CATTLEMEN'S BEEF ASSOCIATION; OREGON'S DIRECTOR TO THE PUBLIC LANDS COUNCIL

Mr. O'KEEFFE. Good morning, Chairman Crapo and distinguished members of this subcommittee. My name is John O'Keeffe. I'm here to testify about the sage grouse on behalf of the Public Lands Council and the National Cattlemen's Beef Association. I serve as the chairman of the Public Lands Committee for the Oregon Cattlemen's Association, the Vice Chair of the Federal Lands Committee of the National Cattlemen's Beef Association, Oregon's Director to the Public Land Council, and I chair the Public Lands Council Westwide Task Force on Sage Grouse. I also represent private landowners on Oregon's sage grouse and sage brush habitat working group.

At this time, I have one of the previously referred to LIP grant proposals being reviewed that would do juniper control and meadow enhancement on 2,500 acres of brood rearing habitat that the O'Keeffe ranch owns adjacent to Sage Hen Butte in Lake County, OR. My family has been ranching in the Warner Valley of southeast Oregon since the early 1900's.

I am the third generation to ranch there. Part of the fourth generation is attending his first week of college classes as I address this subcommittee. It is my sincere wish that my family can continue to ranch in the Warner Valley far out into the future. That is why I became involved in the associations that represent the livestock grazing industry. I appreciate the opportunity to be here today to provide some of my experience with sage grouse on public land grazing to the committee.

Environmental groups have filed petitions with the U.S. Fish and Wildlife Service seeking to have the sage grouse listed. The Service is currently in the midst of a 12-month status review to consider whether that available information warrants the bird being listed. A principal source of information to be considered by the Service is a conservation assessment of the status of the sage grouse and its habitat by the Western Association of Fish and Wildlife Agencies. This assessment concludes that the sage grouse populations have tended to stabilize since the mid-1980's. In many areas, num-

bers have increased between 1995 and 2003. Sage grouse continue to occupy 165 million plus acres across the West.

We believe the Western Association of Fish and Wildlife Agencies reports supports the conclusion that listing the sage grouse under the ESA is not warranted at this time. While the number of birds has declined, a substantial population remains. These birds continue to occupy a significant range of habitat. According to the numbers in the WAFWA report, this is 55 percent of the original habitat, which is more than what was quoted by an earlier witness. This evidence does not support the need to list the bird at this time.

Moreover, there is a reasonable basis to believe that sage grouse numbers and habitat will continue to be stable or even improved because of the unprecedented conservation effort underway. You have already heard from the BLM and the NRCS on their efforts. Additionally, PLC and NCBA members have shown their willingness to support conservation efforts by identifying grazing practices that are compatible with sage grouse habitat and transmitting these practices to the Department of Interior. The Westwide conservation efforts are just finishing the planning stage and getting traction on the ground. The Fish and Wildlife Service would send a powerful message that conservation efforts do not pay off, if warranted, or warranted but precluded where the result of the status review.

We are somewhat concerned that career staff in the Fish and Wildlife Service be truly neutral as they prepare the documents and recommendations used by the decisionmakers. Regulatory agencies tend to regulate and there may be an institutional bias toward listing. We urge the Administration to closely manage the preparation of the documents to ensure an unbiased process. Any help members of this committee can provide to ensure adequate management takes place will be greatly appreciated.

The Fish and Wildlife Service bears a tremendous responsibility in making listing decisions. ESA is a cumbersome Act. Groups opposed to ranching are very sophisticated about using litigation to disrupt ongoing, permitted activities at no benefit to the species. All across the West, we have seen ranches cease to be economical, parcels are sold off for development. Loss of open space, additional roads, power lines, habitat fragmentation, all these things come with development. All these things are among the current threats to sage grouse.

Finally, we urge the Administration to bear in mind the importance of deferring to the State management of the wildlife to the greatest extent possible. Conservation will not succeed in the long run in this country unless stakeholders who live on the land and make their living from it are involved in this effort.

Thank you for the opportunity to present these remarks.

I would be pleased to answer any questions you may have.

Senator CRAPO. Thank you, Mr. O'Keeffe.

Mr. Deeble.

STATEMENT OF BEN DEEBLE, SAGE GROUSE PROJECT COORDINATOR, NATIONAL WILDLIFE FEDERATION

Mr. DEEBLE. Mr. Chairman, members of the subcommittee, my name is Ben Deeble. I'm the sage grouse project coordinator for the National Wildlife Federation, the Nation's largest conservation, education and advocacy organization.

For more than 5 years, the National Wildlife Federation has been involved in the development of monitoring and conservation efforts for greater sage grouse in Western States, coordinated from our Northern Rockies Natural Resource Center in Missoula, MT, and through our affiliate organizations in Wyoming and Nevada. During this time, we have been deeply engaged in developing State conservation plans for the bird, involved in public education about the conservation challenges presented here, and we've facilitated an exchange of information about both the ecology and the management imperatives for this extraordinary species between agencies, other conservationists and the general public.

Fortunately, there have been decades of research on the life cycle of sage grouse, so there is ample information on the needs of the species. High quality research of scientists working under the umbrella of the Western Association of Fish and Wildlife Agencies and several academic institutions has combined historic population data with cutting edge habitat and genetic analysis to synthesize a very solid understanding of this bird and its habitats. Much of the full management picture can be completed with information from the disciplines of range science and restoration ecology.

While there are still some unanswered questions about sage grouse, I am confident in asserting that we know as much about this species' life cycle, habitat needs, behavior and ecology as any bird in the Nation. Using both proven methods and strong inference, we can implement effective conservation actions. Using this broad scientific basis, it is my sense that there is a potential currently for productive and meaningful deliberations among agencies and other partners for implementing effective management actions, for designing and funding these efforts in specific geographic areas and for verifying our results. It will be a huge task.

Let me make an additional important point at this time. To the degree that a stereotype is being created in some places that the conservation community wants to shut down livestock or energy production in the West using sage grouse, that stereotype is false. We believe that in some locations, well managed livestock grazing is compatible with healthy sage grouse populations and in fact, may work to maintain important blocks of sage brush grassland habitat.

Likewise, there are excellent guidelines on important practices related to minimizing and mitigating the effects of energy production. All types of energy production will not be compatible in all places with sage grouse. But both onsite practices and offsite mitigation hold promise for maintaining critical habitat in core populations of sage grouse. Using the good science that already exists for the management of the bird and its habitats, whether in the context of energy development, livestock grazing or any of several other human activities, we can maintain this important shrub-steppe ecosystem for a variety of wildlife species and human uses.

As one step in rising to this conservation challenge, the National Wildlife Federation in late 1999 launched in Montana what for us is a relatively unusual field project named Adopt-A-Lek. Starting with just a handful of volunteers, largely sage grouse hunters, we began training and fielding people to count sage grouse at dawn each April on their breeding leks. Most State agencies generally did not and still do not have the capacity to get multiple annual counts of a majority of their leks, and we felt we could recruit and train a highly motivated and competent labor force to seasonally assist with population data collection. Using accepted State survey protocols, our volunteers have proven to be reliable, competent and an asset to regional survey efforts.

To give you a sense of scale, last April, 93 volunteers drove over 35,000 miles in Montana, Wyoming and Nevada to monitor more than 150 leks, in many cases getting multiple counts. This constitutes somewhere between 5 percent and 10 percent of the total greater sage grouse survey effort westwide.

The second leg in our program involves delivering incentives to landowners to implement sage grouse habitat enhancement measures. A primary objective of this project is to explore economically acceptable methods for enhancing sage grouse habitats and working landscapes, such as voluntary incentives for altering grazing patterns as well as restoring range land and habitat productivity through other techniques. The National Fish and Wildlife Foundation has offered NWF a challenge grant to begin incentive delivery to private landowners in 2005 who volunteer to participate in habitat management actions related to livestock grazing.

The third leg of our conservation effort involves somewhat more direct engagement with public land management agencies. I see that completes my time. I would be happy to give you more detailed comments.

Senator CRAPO. We will get into that when we get into the questions, then. Thank you very much, Mr. Deeble.

Mr. Mosher.

STATEMENT OF JAMES A. MOSHER, PH.D., EXECUTIVE DIRECTOR, NORTH AMERICAN GROUSE PARTNERSHIP

Mr. MOSHER. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee, I am the executive director of the North American Grouse Partnership, a wildlife biologist and at every opportunity, an upland bird hunter. I have the privilege today to represent also the views of the Boone and Crockett Club, Campfire Club, International Association of Fish and Wildlife Agencies, the Izaak Walton League of American, National Wild Turkey Federation, the Theodore Roosevelt Conservation Partnership, Quail Unlimited and the Conservation Force.

This hearing focuses appropriately and in a timely manner on the condition of sage grouse and the near and long-term challenges to conserving this valuable resource. I thank the committee for providing this forum and for looking toward solutions that will protect sage grouse while permitting access to and use of other important resources. I will take this time to highlight some of my written testimony and briefly address the suggestions offered by the committee for sustaining sage grouse conservation.

Hunters and allied conservationists contribute in many ways to sage grouse conservation. Individual sportsmen and their organizations contribute through their license dollars, direct contributions to projects, technical expertise and through support of conservation organizations that represent their interests. For example, in partnership with The Nature Conservancy, the North American Grouse Partnership's Idaho chapter is demonstrating how to manage for sage grouse on a meaningful scale through specific habitat management of The Nature Conservancy's Crooked Creek Ranch and through an outreach program to other private landowners to implement habitat improvements.

Quail Unlimited projects have benefited sage grouse in California and Colorado. In partnership with the Bishop Field office of BLM, a broad based group of stakeholders has drafted a conservation plan to maintain a healthy sage grouse population. Members of the North American Falconers Association and others in the falconry community have contributed valuable information on critical winter ranges used by sage grouse.

The National Wild Turkey Federation with their western plan supports habitat improvements that benefit not only wild turkeys but grouse and other species as well. Sportsmen are also working to resolve resource conflicts involving sage grouse and other wildlife through collaborative efforts with other stakeholders. With support of the Bureau of Land Management, the Izaak Walton League convened a series of facilitated meetings amongst ranchers, the energy industry and sportsmen's groups. The Theodore Roosevelt Conservation Partnership convened a similar meeting with support from the National Commission on Energy Policy. Our purpose was to improve understanding on all sides of the issues and most importantly to begin to craft solutions to conflicts that occur when our interests overlap on the landscape. Progress was made at those meetings and a network was created for further communication that continues today.

The objectives for sustaining sage grouse conservation offered by the committee are very consistent with recommendations our community has made. We proposed that a council be created with the charge of advising on issues that arise at the intersection of economic development and wildlife resources in order to find innovative ways to enhance both these values so important to the country. With the technical capacity and partner involvement suggested by the committee, such a council could accomplish that purpose and address important information needs.

I believe you have identified the key participants. However, renewable energy interests would be an important addition. Prairie grouse species appear averse to wind energy facilities and wildlife experts warn of significant population impacts where wind development occurs in proximity to critical grouse habitat.

Your proposed deliberative process could be an effective means for coordination and ongoing assessment of progress. The council could provide a valuable forum for developing and overseeing a variety of public-private partnerships that would benefit from the synergy created by diverse interests and technical capabilities. Effectiveness at a population level of stipulations and conditions on public land are not well documented. We are in agreement with the

energy industry on the fundamental need for more research, and stipulations or conditions to be imposed should be both effective and sufficient.

Last, I agree that creating pilot areas to test management techniques and innovative programs is a sensible approach to produce near term progress and information. We must, as well, be prepared to modify activities in other areas as we learn from these pilot projects.

In conclusion, we believe that Congress and the Administration can and should tap the resources within the hunting and conservation community. With commitments of funds, effectively delivered programs, careful planning and most importantly, implementation of real habitat management, we can forestall further loss of sage grouse and other wildlife resources and the consequences associated with such outcomes.

I would be glad to answer your questions, and we would be happy to work with you and your staff as appropriate.

Senator CRAPO. Thank you very much, Mr. Mosher.

Let me start my questions back at the beginning with Mr. Schnacke. I hear your point about the ESA listing process, and it is a point that is commonly made by those who deal with various Endangered Species Act issues, and the effect that the listing could have on the current efforts underway to deal with sage grouse. I was wondering if you could just discuss with me a little bit in more detail the chilling effect that you believe a listing decision could have on efforts to deal with sage grouse restoration.

Mr. SCHNACKE. Yes, thank you, Mr. Chairman. Overall, the threat of future listings, I think, discourages innovation and efforts to go beyond what's required out there. It certainly is a big drain on resources. It makes everybody stop in their tracks and have to deal with procedures and deadlines and requirements for those particular efforts. I think to step back and try to take a bigger picture look, that's certainly why we're here today, to take the pledge and try to help bring this effort forward.

But we're certainly looking for something that's going to provide some assurance to those that are going to go beyond and put resources on the table and to do the right thing. That's why this threat of future listings hangs out there as a cloud over this entire process.

Senator CRAPO. Thank you very much. Mr. Back, I found your support of the local planning groups very refreshing and appreciated your perspective. I particularly liked your point where you indicate that we should give the local process a chance, and that placed based decisionmaking is extremely valuable.

I also noted that you brought up the funding issue. It was helpful that you identified some of the sources of funding. Do you believe that the funding sources that you've identified that are out there are adequate for the task?

Mr. BACK. Certainly, it's a start. But as Mr. Crawforth indicated, we have millions of acres that will be managed in one form or another, either through active treatments or changes in management practices. That's going to require additional funding.

Senator CRAPO. Thank you. You are familiar with the Federal Advisory Committee Act, I assume? Do you believe that that Act

poses any impediments to our ability to accomplish what we're talking about here in the outline?

Mr. BACK. I don't think so. At the local level, we have had the agencies involved in our stewardship group, they're a very big portion of it. We've had State and Federal agencies, local industry, business people, ranchers, environmentalists and we've had no problem as far as that type of law being an impediment. So I don't think having what's suggested in your outline going forward would be an issue.

Senator CRAPO. Thank you very much. Mr. O'Keeffe, I certainly appreciate your views on the uncertainty that we face in trying to implement the recovery efforts with regard to sage grouse and whether they will pay off. There is certainly no guarantee for the sage grouse or for people. But one question is, how we would proceed in the face of the uncertainty that an ESA listing does pose right now.

Do you believe that you in your community, your neighbors as well as those in the cattle business, are prepared to dig in and engage in a process like we've identified in the outline for a broad based collaborative effort?

Mr. O'KEEFFE. Absolutely. I think we're ready to come together and work on those things. I think it will be a challenge. The real issue that concerns me with the outline is, I think it's an excellent way to conserve sage grouse. What I am really concerned about is, as written, that type of an effort doesn't protect the grazing permits from being enjoined by litigation when the consultation process or any of the other technical aspects of the ESA don't quite meet the requirement of the law.

Senator CRAPO. That's an interesting point. At least one or more of the other witnesses have brought up the point of litigation based decisionmaking as opposed to more principled decisionmaking based on recovery efforts. If I understand what you're saying, you're saying that you're concerned that as much as we all may have the right intentions here and get agreement from the Federal agencies and others to move forward in a more collaborative process, that that could be derailed by litigation?

Mr. O'KEEFFE. I think that's one of the biggest dangers with the sage grouse situation. As Mr. Deeble points out, there's a large segment of the conservation community just wanting to get a good solution here. But I think there's another segment that we can't forget that's there that is very adept at using the Endangered Species Act to enjoin the land use practices that they don't agree with. We have to be real cognizant of that as we go forward.

Senator CRAPO. Thank you very much. In my next round, I'm going to get to you, Mr. Deeble, and Mr. Mosher, but it's time for Senator Thomas.

Senator THOMAS. Thank you. Let me go to you two gentlemen. It seems like what we're seeking here is a broader sort of management of land, open space, trying to keep the environment and all those things. When we've been told that the grouse thing is pretty well under control, why do we focus on that specifically? What does that have to do with the overall purpose of maintaining our lands as they are?

Mr. DEEBLE. Essentially, sage grouse are a bird of the wildest lands we still have left in the western landscapes. They are an umbrella species in that they need, the population needs, a vast piece of territory to survive and sustain itself over the long term. Because it's so dependent on sage brush, it essentially can be seen as an umbrella species for the ecosystem. If you protect sage grouse, you will also enhance your populations of other wildlife, such as antelope, mule deer, and elk. You will even in some cases maintain large landscapes available for livestock grazing for the long term.

So clearly it is an umbrella for multiple benefits.

Senator THOMAS. So it's a technique for land management, then?

Mr. DEEBLE. It's one place, if you can focus through the lens of sage grouse conservation on this landscape, we think we can keep it intact for a whole range of benefits for the long term.

Senator THOMAS. Interesting. Do you have any comments, Mr. Mosher?

Mr. MOSHER. I would only add that the health of a landscape is a relative issue. In this instance, we're looking at the landscape through the eyes of a sage grouse, and I think in this particular case that's a fair representation, as Ben suggests, of conserving appropriately a very large population.

Senator THOMAS. Right. Sage grouse is relatively, that's just one of a number of elements, however. As you say, perhaps, it's a measuring device.

Mr. O'Keeffe, are you suggesting that some of these endangered species listings and so on are land management techniques, rather than an animal technique? Or in addition to that?

Mr. O'KEEFFE. I think that it's become so through the courts and otherwise, yes.

Senator THOMAS. Yes. I think you're probably right.

Does the seasonal restriction have an impact particularly on energy production?

Mr. SCHNACKE. Well, yes, it makes for short windows when you have to schedule rigs and crews and try to get into areas, particularly remote areas. It does have an impact. One of the points I would make with regard to this discussion is that it's been pointed out these ideas that are coming forward are going to be very site-specific, and any process we go forward on ought to encourage techniques, technology, the types of things we can do and are currently doing to increase habitat rather than mandate it. There isn't going to be one size fits all. We have gotten our best results from efforts that encourage companies to use innovative ways to enhance habitat.

Senator THOMAS. Mr. Back, this is just one of the factors in the broader aspect of seeking to conserve our resources and conserve our land and conserve our open space?

Mr. BACK. Yes, the approach that we have taken is to look at things on a watershed or ecosystem approach, so they are not focusing just on sage grouse. But as has been indicated by the testimony here, sage grouse use a variety of habitats on a landscape scale and as you manage for that species and the different habitats that it requires, you are managing for many of the other species.

So there may be a time on the landscape where you have a grassland that's going to be very productive for things like horned larks.

But as that grassland changes and the sagebrush comes in, you start getting brood habitat for sage grouse, it's going to be pronghorn habitat as well. As the sagebrush gets thicker and becomes nesting habitat for sage grouse, you have something that may suit mule deer or even elk in the winter time. As that sagebrush gets taller and becomes sage grouse winter habitat, then you have habitat that's certainly suitable for mule deer.

There is a variety of species that are associated with that successional trend. So we need to keep that mosaic on the landscape to maintain the watershed values as well as those wildlife habitat values, as well as the livestock values.

Senator THOMAS. That's interesting, because there are a lot of issues there and sage grouse is just one of them, and not necessarily the major one. But what you're saying is that it's a measurement of something broader.

Mr. BACK. If I may, I think the issue with sage grouse is that because the species is so widespread over the 11 Western States, sage grouse are different than many of our other endangered species, where we have a specific spring or area, or a mountain range where that species is found, and it's very easy then to focus on that species in that location. When you have a species that ranges over such a wide area as sage grouse, as has been indicated in the prior testimony, one size management doesn't fit all. It is important that we start dealing with the system and not just the species.

That's the advantage; I think that's why this approach, the conservation effort, that is taking place for this species is unprecedented, because it forces people to look at the big picture.

Senator THOMAS. Thank you.

Senator CRAPO. Thank you.

Mr. Deeble, I want to come back then and start out with you. The first thing I wanted to do was to mainly just highly a point of your testimony. On page 3 of your written testimony you talked about the fact that there is a sort of a certain stereotype out there to some extent that many people in the conservation community want to shut down some of the multiple use interests of our land. But you point out that that is not the intent of a large portion of the conservation community, and that instead, you believe there is the ability to manage in such a way that we accomplish the objectives of conservation as well as the objectives of many human uses of the land.

I personally just want to endorse that, and let you give a little further comment on it if you would like to. One of the most common things that I end up discussing as I discuss environmental policy with my constituency is the fact that I believe the vast majority of my constituents, and frankly, of Americans, seek both objectives. They want to see our land preserved and protected, and the incredibly rich environmental heritage that we have in our Nation, whether it be the sage grouse or the many other aspects of our environmental heritage. They want to see it protected and preserved for generations in perpetuity into the future.

At the same time, I believe the vast majority recognize that we have an opportunity to have many other uses of the land, economic uses, recreational uses, and public service uses, such as generation of power and other types of uses, such as that. People tend to be-

lieve that if we can sit down together and work out in a collaborative fashion solutions to these things, we can be very successful at accomplishing significant progress in each of those areas.

I would just like to ask you to elaborate a little further on that if you would like to.

Mr. DEEBLE. Thank you, Mr. Chairman. I think one of the most common critiques of the Endangered Species Act is that it delivers to us train wrecks, whether you're a member of the conservation community or economic sectors or the general public. I think the situation here that we have with sage grouse, and its wonderful timing, is that we don't have a train wreck yet. This is the time to be sitting down and sorting out a strategy, moving forward in a way which delivers some long term security to the bird and its habitats. We have time to make relatively modest adjustments and clearly sustain the species long term.

That said, right now the Fish and Wildlife Service is involved in their petition review. We just have to very much support the judgments of the professional staff there at the Fish and Wildlife Service. They need to be given the resources to provide a competent deliberation and decision. It's a very complicated situation right now, particularly with emerging factors like new diseases on the landscape, which we haven't heard much about today.

But we've been doing all our work in the context of the bird not being listed as threatened or endangered. We feel like a lot of people have been. We'd like to see that work continue.

Senator CRAPO. Thank you very much. Then also, before I move on to Mr. Mosher, you didn't really get a chance to talk about the third leg of your testimony, Mr. Deeble, with regard to the more direct engagement with public land management agencies. Would you like to go into that a little bit?

Mr. DEEBLE. The issue of litigation has come up, and the National Wildlife Federation has been involved in administrative appeals and litigation related to sage grouse conservation. We heard earlier in testimony that public lands agencies control about 70 percent of the birds' habitat. So we feel it's important to keep our eye on that ball, because implementation of some of the best practices for sage grouse have been uneven at best, and in many cases slow to come from the agencies.

In particular, there are issues related to things like management indicator species status for sage grouse by the Forest Service. That designation has now been withdrawn from future planning processes and we feel like that's a step backward potentially for sage grouse management on Department of Agriculture lands.

The BLM has before them a lot of decisions related to resource management plan preparation, where things like areas of critical environmental concern designation has been proposed for key sage grouse habitats, nominated by their own staff but then rejected because they didn't consider sage grouse to meet the importance criteria for moving the nominations forward. There's those types of processes right now that we're very concerned about. We think we could gain ground with them if we could get some more unified Agency action.

Senator CRAPO. All right, thank you very much.

Mr. Mosher, let me move to you. I have to say, as you began your testimony talking about the interests of sportsmen in the issue as well, I had to think back, and I can't remember for sure, but I think that the sage grouse may be the first bird that my dad took me out to hunt when I was a young boy. If it wasn't the first, it was one of the first. So I have many good memories of being able to go into the field and hunt sage grouse.

The issue of preserving that opportunity and moving forward is one that I think is very critical. In your view, how can we best allocate our resources to optimize the tradeoff between the need for knowing where sage grouse live and how they are doing in each place and, I guess what I'm talking about is that we need both extensive and intensive information. We have a broad range here that we have to study, and we need a lot of very intensive information about the range. How do we manage that tradeoff in terms of trying to answer these questions?

Mr. MOSHER. With great difficulty. You've had much better experiences, actually, with sage grouse in that case than I have. I have in my life actually shot one, and it was in the State of Colorado some years back.

Senator CRAPO. Well, I haven't been able to hunt them for many, many years. Maybe we can recover them sufficiently.

Mr. MOSHER. Maybe we need to work on that and get the kids grown up and the dogs trained.

Senator CRAPO. That's right.

Mr. MOSHER. There are a number of levels, I think, to your question, Senator. Clearly the local working groups and the State agencies have been and are increasingly developing an incredible amount of detailed information about the local situations with regard to grouse, their particular management needs, what needs to be done there. At a higher level, I think an area of concern that we have had in the conservation community, and this goes back to the collaborative discussions that I referred to in my testimony, Senator Thomas left, actually he was at Moon Crest Ranch when we had one of these very first conversations with the energy and ranching folks.

What I see in my conversations across all the various interests, from industry to the ranching community to the agencies to other colleague groups is a need for a higher level of coordination that I think you're referring to in the committee's proposal, a way to step back and look at where, with limited resources, do we need to allocate the lion's share, where can we get the greatest improvement for the resources that we have available.

This has been a longstanding problem I think that many people have spoken to with regard to the adequate monetary resources of the Bureau of Land Management, to do simple things like monitoring, whether it's on grazing allotments, or whether it's monitoring associated with energy leases. We're not doing as good a job learning from what we're doing on the landscape now as we could. That takes investment. That takes people and money on the ground to gather those data.

It also takes a process whereby those data can be uniformly gathered and effectively disseminated to the people that are making the management decisions, whether it's private landowners or

State agencies or the Federal agencies through their resource management planning processes.

Senator CRAPO. Thank you. I also wanted to note, or wanted to let you know that I did make note of your comment that we needed to expand our focus to include renewable energy.

Mr. MOSHER. Yes.

Senator CRAPO. As a matter of fact, in Idaho right now, we have a number of wind projects that are under consideration and the sage grouse habitat issue is directly involved in those projects.

Mr. MOSHER. I'm well aware of that.

Senator CRAPO. So it's something we need to add to our list. The need for more adequate research is clearly presenting itself in those contexts.

I'd like to, before we wrap up here, I'd like to just go over two or three questions with the whole panel and let you each kind of make observations, if you would like, on some broader issues. The first is the general question I've been posing to all of the witnesses so far. Again, I think I know your answers to this, but I'd like to ask it directly, and that is, with regard to the outline that the committee has put forward, do you believe it's a good idea and do you support us moving in that direction for management?

Mr. SCHNACKE. Well, Senator, that's why we're here, we're here to support this effort. I would just certainly ask the committee in the overall effort to adhere to good science and to make all this, take a look at this thing from that basis. We will also certainly lend our effort to try to bring resources to bear for the effort, both individually with our companies, member companies as well as what efforts we can bring through perhaps working with Senator Allard on the committee and in our general assembly to see what we can do to help in this regard.

Senator CRAPO. Thank you. Anybody else want to pitch in on that one? If you don't say anything, I'll assume that you agree.

Mr. Back.

Mr. BACK. I certainly agree with the effort and encourage you to go forward with it. In the second part of your outline, categories of participants and examples of specific ideas, I'd certainly like to see the list expanded to include the local stewardship groups and actually anyone that's interested in coming to the table and working on the problem.

Senator CRAPO. All right, thank you.

Mr. Mosher.

Mr. MOSHER. I obviously would like to throw in my support for this effort, and our appreciation for it. I think it is a process that has been described that is very important and very timely. Just the observation that sage grouse and other wildlife don't recognize lines on maps, regardless of why the lines are there, and it's very important to be able to take that larger landscape look.

Senator CRAPO. All right.

Mr. DEEBLE. Senator, I would like to speak as well in support of this effort coming together. Clearly we have a situation that is somewhat biologically complex, but much more so complex in terms of social issues and economic issues.

Clearly it's going to require a broad community effort to step up to this challenge.

Senator CRAPO. Thank you. Mr. O'Keeffe, I think I asked you already, but did you want to add anything?

Mr. O'KEEFFE. Again, I want to say I am incredibly supportive of that type of an effort. If we don't have a listing, it can continue quite well. If we do have a listing, I think we'll need to be sure that the agencies have the manpower to process the permits, because that's where the litigation can really hurt the industry that I represent.

Senator CRAPO. Thank you. The other question I kind of wanted to toss out to see if anybody wants to comment on it is really the question I got into with our first panel at the Federal Agency level. That is, do you believe that we have sufficient flexibility in the law as it exists today and the regulations that we see the agencies operating under to accomplish the objectives that we're talking about here to get a broader, more comprehensive, collaborative effort underway to truly impact our management decisions? In other words, can we do this without changing the law or having new regulatory regimes put into place?

Anybody want to jump into that? Mr. Mosher?

Mr. MOSHER. Sure, I'll take a chance. The Federal Government in my circle has occasionally been described as trying to turn a tanker. When you get it moving in the right direction, it turns. But it takes a while. I'm not an expert on the laws and regulations as they apply in this instance.

But I have a reasonable familiarity, and I trust the first panel this morning when they assured you that, yes, the flexibility is there. I think we need not just the flexibility within law and regulation, we need the will and the determination down the line from the top to the bottom to the folks that are deciding how to do things on the ground to make it happen and with that determination I think it will.

I'm optimistic.

Senator CRAPO. So what I understand you to say is that with the help from the oversight of this committee and others and the encouragement and support from many groups, we can get that tanker starting to turn?

Mr. MOSHER. We'd like to help you turn the tanker.

Senator CRAPO. All right, thank you.

Anybody else? Yes, Mr. O'Keeffe.

Mr. O'KEEFFE. I would say that we definitely would support some amendments and changes to the Endangered Species Act in the future. I think it's a cumbersome act that's been there for a while and we could do some things to improve it.

I would say that if it's interpreted right, if things work we can get through the sage grouse issue with the current rules in place. But if some of the calls are interpreted differently, I think we can have some real conflicts with the sage grouse thing. It's in the details, Senator.

Senator CRAPO. Good point.

Mr. Schnacke?

Mr. SCHNACKE. Let me just echo that. I believe that what the livestock people pointed out earlier is true, that there is a universe of folks out there that is certainly committed to trying to use the Endangered Species Act for purposes that may be outside of what

this group is trying to accomplish. We do share that concern that even if our good intentions are put together and implemented, there is still going to be an effort to try to take it in a different direction.

So we would encourage a debate on the Endangered Species Act and probably some of the same amendments the livestock folks are thinking about.

Senator CRAPO. Good points.

Mr. Back.

Mr. BACK. I think there are certainly laws and regulations on the books within which we can work. What happens is when we have the Endangered Species Act invoked, if this species is listed, some of the tools go out of the tool box and we become restricted. It's kind of like hanging wallpaper with one hand tied behind your back.

Right now if we see a long-term issue that requires some type of vegetation treatment where sage grouse currently live, we can implement that treatment through the NEPA process, we can work through the impacts and mitigation. Once the species is listed, the question becomes, may that action adversely affect the bird. If you're going to modify the vegetation in a manner that has a short-term adverse affect but will improve the habitat in the long term, then the answer to that question is yes, you may adversely affect it and you won't be allowed to do what may be in the long-term best interest of the species.

So we lose that tool for long-term planning, for long-term benefit and sustainability. When we take those tools out of the tool box, we're hurt in the long term. We may do something for the short term to preserve the bird by preserving the habitat. But we can preserve this bird to extinction, because habitats are dynamic and we cannot preserve a condition of habitat; we have to manage in order to make those ecosystems sustainable.

Senator CRAPO. Thank you. Mr. Deeble.

Mr. DEEBLE. Mr. Chairman, to your question, I'm not certain that we need to change laws to implement many beneficial practices for the bird today. But frankly, my experience working on the ground, though, has been that often working with private landowners, they can move faster with less baggage and less sort of bureaucratic considerations than the agencies themselves. The thing that I would ask for in the agencies is that down at the field level we allow them to have some innovative thinking and move forward in ways that they don't necessarily or aren't used to historically. I think we can bring the Agency tempo right up that what we're seeing from some of the private landowners.

Senator CRAPO. Good point.

Let me just say, with regard to the issues that you've discussed, in fact, the discussion here already covered my third area that I wanted you to get into, which was the litigation threat and whether that creates a rigidity that we need to deal with. Let me just say to the panel that I personally believe we do need to change the Endangered Species Act, and I've been trying to reform it and to address those issues from my own perspective for more than a decade now and will continue to do so.

In fact, this committee is currently as we speak working with a number of the groups who are here today and others to try to find some good ways to put more flexibility into the Act, so that we cannot be trying to hang the wallpaper with one hand tied behind us, as one of you has indicated. I will continue to work on that.

The reality, however, the political reality, however, is that making any changes to the Endangered Species Act right now is very difficult. It requires a truly heroic bipartisan effort, because there is so much distrust on all sides with regard to any proposed changes. We're just working through that dynamic. I know there may be some in the room who don't think we need to make any changes or who think the changes we might need to make are different than the ones I would think we would need to make. That whole debate is ongoing, and frankly, I think that not just the Endangered Species Act should be looked at in that way. I think the NEPA process could be streamlined and improved in some very significant ways.

But again, that's another very intense debate about which the political realities are that we need more time and more broad based support for those kinds of approaches before we will be able to succeed on them. My hope is that while we are moving through that debate and that process, we can find ways to achieve the flexibility and the progress that we've been talking about here in this committee without having to solve the battle over legislative changes to some of these statutes that some of us may believe are the right approach.

I was very pleased today to hear the testimony of our Federal Agency managers that they thought we had that flexibility in the context of what we are addressing in this hearing. The support for the approach that we have tried to talk about here has been virtually unanimous among the interest groups represented here today, which includes the State, Federal and the private sector interest groups.

So I just thought I would give you my little editorial on where I think we're headed in that context. I'm pretty much concluded and we're pretty much out of time, but if any of you would like to make any final comments or statements, I would welcome that before we wrap up.

Mr. SCHNACKE. On behalf of our organization, thank you for having us here today.

Mr. BACK. Ditto.

Senator CRAPO. All right, well, again, I want to thank all of you. Let's continue to work together, because I do believe that we can make a tremendous amount of progress in the direction of the collaboration we've talked about today.

Again, thank you all for your efforts in preparing and coming to present your testimony. This hearing will be concluded.

[Whereupon, at 10:55 a.m., the subcommittee was adjourned.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR FROM THE STATE OF COLORADO

Thank you, Mr. Chairman, for the opportunity to examine conservation efforts being implemented across the West for the Greater Sage-grouse. I appreciate your attention and dedication to highlight locally-driven conservation programs that are

doing exactly what they have been created to do: conserving a species without the added mandates imposed by the Endangered Species Act.

Mr. Chairman, Colorado is in a unique position with regard to conservation efforts for candidate species. In 2000, the mountain plover was a candidate species for the Endangered Species list. The Colorado Division of Wildlife and many dedicated individuals worked diligently to conserve approximately 350,000 acres of private land for research and conservation. Through their continued efforts, the species has not been listed. The recovery of the mountain plover is a great example of how locally-driven conservation programs work, and I want to ensure that these successful programs are continued throughout the West.

As we will surely hear from some of our witnesses today, locally-driven conservation efforts are the best way to effectively manage candidate or threatened species. The worst thing that can be done for these species is to support a blanket approach mandated from Washington, DC that would supplant locally-driven plans. Specifically in regard to the Sage-grouse, conservation strategies have been developing over the past eight years in Colorado. To negate local level studies for an all-encompassing national plan not only goes against sound science, but takes a step backward from protecting the species. I agree with Colorado's Northwest Resource Advisory Council's resolution providing suggestions for the Bureau of Land Management conservation strategy for the Sage-grouse. They comment that, "The federal government should clearly acknowledge that different approaches to species recovery and habitat management will likely be different throughout the country." Attention needs to be given to local management strategies.

Locally-driven conservation approaches take into account land management and multiple use standards critical to landowners in the area, rather than blocking owners from their property as can be done when a species is listed on the Endangered Species list. Existing land uses should not be compromised because of the Sage-grouse, but conservation plans should be developed with a multiple use guideline to the extent possible conserving the species. Any national Sage-grouse habitat conservation strategy should work with existing land uses to manage Sage-grouse and Sagebrush habitat, and possible conflicts should be resolved at the local level through planning groups that take into account local concerns, and not by mandates from Washington.

Locally-driven conservation programs have a history of working, especially in Colorado. I look forward to finding ways to help sustain these conservation efforts, and to help the local land owner who voluntarily assists in the conservation efforts of the Sage-grouse.

Thank you, Mr. Chairman, for the opportunity to discuss this important issue.

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Thank you, Mr. Chairman, for holding this hearing today. Taking a hard look at the results of sage grouse conservation efforts and considering alternative management strategies for the future is vitally important to reducing conflict and ensuring healthy sage grouse populations across the West, without the need for extensive federal intervention.

Sage grouse conservation efforts have already begun at the local, state, and federal levels, directed at both privately and publicly held lands. As we all know, coordinating the efforts of so many involved individuals and agencies over such a large geographic area is no easy feat.

I would like to welcome Mr. Ben Deeble of the National Wildlife Federation, who traveled from Missoula, Montana to testify about his first-hand experience with innovative and cooperative conservation strategies in Montana. I greatly appreciate his insight and knowledge, and the efforts of his organization to gather good data and improve sage grouse habitat in Montana and neighboring western states.

In Montana, we have committed significant resources to sage grouse conservation efforts. Unlike many other states, in Montana the majority of our sagebrush habitat is on private land, which is why cooperative and incentive-based conservation strategies are particularly important to our state. The Montana Department of Fish, Wildlife and Parks has partnered with the U.S. Fish and Wildlife Service to undertake a Sagebrush Initiative program that inventories sage grouse habitat, prioritizes habitat to be targeted under the program, and then provides landowner incentives to protect that habitat on private lands. It is just this sort of collaborative effort—that joins private, state, and federal efforts—that is the heart of establishing successful sage grouse conservation efforts for the future.

Although many sage-grouse conservation programs are relatively new and their impacts can not yet be determined, the existence of these programs demonstrates

the commitment held by many stakeholders to maintain and improve the quality of sage grouse habitat across the west. This is an important step in moving towards measurable improvements in sage grouse populations, and away from more stringent federal controls.

That's why we must make sure that these local, collaborative efforts have the strength and durability to achieve their goals. We should support them with strong and well-funded incentive programs, and we can and should commit to landowners that we will help provide them with technical and economic assistance.

We should help ensure adequate communication among all players so that the resources available for conservation are allocated in the most efficient manner. State wildlife departments should be in touch with the Bureau of Land Management and the Forest Service, local land owners need to be directed to the appropriate agencies to take advantage of rangeland improvement programs, and conservation organizations should stay abreast of the developments and success of these programs.

In conclusion, I would like to reiterate my thanks to those who testified today and to those who are committed to sage grouse conservation. From our vantage point today, we can see that admirable work is being done in the public and private sectors to help protect the sage grouse and its habitat. What we need to ensure, however, is that this work is encouraged, expanded, funded, and developed to last well into the future.

Thank you Mr. Chairman.

STATEMENT OF CHAD D. CALVERT, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and Members of the Committee, thank you for providing us with the opportunity to discuss the Department of the Interior's (Department) efforts with state wildlife agencies, private landowners, and others to conserve sage-grouse. As the discussion below reveals, the Department is working with stakeholders across the spectrum to put forth an unprecedented effort for this species.

Let me preface my remarks by noting that the U.S. Fish and Wildlife Service (FWS), the bureau within the Department responsible for implementation of the Endangered Species Act (ESA), is currently undertaking a comprehensive range-wide status review as part of its determination of whether or not the species is warranted for listing under the ESA. During this process, the FWS will consider input from the public, states, and other Federal agencies. Because of this ongoing review, however, my statement will not address issues that relate to the FWS decisionmaking process. Instead, I will first discuss the Bureau of Land Management's (BLM) efforts to conserve sage-grouse, followed by a brief discussion of some general FWS programs and tools that relate to the Department's efforts to improve species conservation.

BACKGROUND

Sage-grouse are a popular game bird once seen in great numbers across sagebrush landscapes of the West. The greater sage-grouse is generally found at elevations of 4,000 to over 9,000 feet, and its historic range included Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, North and South Dakota, Nebraska, Arizona, and three Canadian provinces. However, conversion of habitat to agriculture and urban development, changes in fire regimes, and fragmentation all have contributed to declines in sage-grouse populations over the past century. According to the Western Association of Fish and Wildlife Agencies (WAFWA), greater sage-grouse now occupy just over half of the 118.6 million acres of habitat estimated to exist prior to the arrival of European settlers.

The Department is responsible for managing a large number of acres of that habitat. The BLM alone is responsible for managing half of the remaining sagebrush habitat, approximately 57 million acres, in the United States. Of these, 30 million acres are considered to be occupied sage-grouse habitat, with another 10 million acres potentially suitable for sage-grouse. As discussed below, the BLM currently manages for sage-grouse as a special status species across its range and recognizes the critical need to maintain and restore sagebrush habitat and populations.

BUREAU OF LAND MANAGEMENT ACTIVITIES

In furtherance of Secretary Norton's "4 C's" philosophy of communication, consultation, and cooperation, all in the service of conservation, the BLM has been part of a collaborative approach to ensure the conservation of the sage-grouse. As managers of much of the habitat for sage grouse, the Department, through the BLM and FWS, signed an MOU with the WAFWA and the U.S. Forest Service in 2000. A key

objective of this MOU is the development of a framework for conservation planning across the 11-state range of the greater sage-grouse. In order to achieve this objective, a State/Federal Sage-grouse Conservation Planning Framework Team was developed and is comprised of representatives from four state agencies and the three Federal agencies.

Under the last 4 years of this state-Federal partnership, information has been developed concerning the condition of sagebrush habitats, the present status of populations, and potential threats to sage-grouse. Much of this data is available on the SAGEMAP website, found at http://sagemap.wr.usgs.gov/, which contains data that can be used for research and management of sage-grouse and shrubsteppe systems. Also important, a cooperative conservation planning for sage-grouse, unprecedented in its breadth and scope, has been initiated across all eleven states, at both the statewide and local levels. Those plans are now being completed and the majority should be in place within the next year. The BLM is committed to working with the states and local partners to pull these plans into a rangewide conservation strategy for sage-grouse.

In addition, in order to address the need for habitat improvement to support sage-grouse populations on BLM-administered lands (pending the completion of the MOU's range-wide state conservation plans), the BLM drafted a National Sage-grouse Habitat Conservation Strategy in the summer of 2003 and made the draft available for public comment. The Strategy is being designed to complement the cooperative conservation efforts being led by state wildlife agencies. Many of the actions are directly related to needs identified during the BLM Director Clarke's "listening session" visits to sage-grouse states in February and March of this year. It will provide guidance to BLM offices on planning and best management practices, as well as a resources guide, mechanisms for voluntary participation in conservation efforts, and improved access to science support. Feedback from stakeholders and written comments from the public have been received and will also be taken into consideration in finalizing the Strategy.

BLM's national strategy is designed to further improve the Federal contribution to the state-Federal conservation efforts already underway. The BLM has also offered information to FWS on the bureau's land health standards and ecological improvement programs. Examples include systematic monitoring and assessments, the mitigation measures BLM requires for land uses, and BLM's fire and riparian restoration efforts with native plants.

The BLM will spend over $14 million on sage-grouse conservation in fiscal year 2004, and is seeking an increase of $3.2 million for fiscal year 2005 for restoration and conservation of sagebrush habitats. These projects supplement our planning efforts by supporting specific cooperative projects to improve sage-grouse breeding, nesting, brood rearing and wintering habitat.

The Special Status Species Program is the BLM's overarching regulatory mechanism to address conservation efforts designed to avoid listing of species. Pursuant to the Department's Manual at 632.16, the BLM should "utilize authorities to not only protect listed species, but also to avoid precipitating the decline of other species to the point where (ESA) listing would be appropriate." Furthermore, the BLM's manual specifies that sensitive species will be given the same level of protection afforded Federal candidate species. All states where the BLM manages land classify the greater sage-grouse as a sensitive species. Accordingly, the BLM addresses mitigation factors for sage-grouse in all of its planning efforts. As an example, BLM-Wyoming currently requires that habitat and population health for special status species be one of six standards in their Standards and Guidelines for Healthy Rangelands, which they use to monitor livestock grazing. For other activities, such as fluid and solid mineral development, recreation use and right-of-way development, the BLM's Mitigation Guidelines for Surface Disturbing Activities are applied. For sage and sharp-tailed grouse, this generally means no activities are authorized within nesting habitat from Febuary 1–July 31, or in critical winter concentration areas from November 15–April 30. Mitigation like this is carried out by the BLM across the range of sage-grouse using standards that are developed collaboratively between the BLM and each individual state.

OTHER CONSERVATION TOOLS

The Department, through the FWS, currently has many conservation tools available which provide for close cooperation with private landowners, state and local governments, and other non-Federal partners and that are particularly important in implementation of the ESA.

Through the Candidate Conservation program, the FWS works with states, landowners, and others to voluntarily conserve candidate and other declining species.

Recently, the FWS applied the policy in the case of slickspot peppergrass (Lepidium papilliferum). In that instance, a Candidate Conservation Agreement, developed by the BLM, the State of Idaho, the Idaho Army National Guard, and several private property owners who hold BLM grazing permits, served as part of the basis for the FWS's determination to withdraw its proposal to list the plant. Among other information central to the FWS's decision to withdraw the proposal, conservation efforts in this formalized agreement were determined to reduce risk to the slickspot peppergrass such that this species is unlikely to become endangered within the foreseeable future. The slickspot peppergrass story is a good example of partners working together to conserve a species.

Another tool is a Candidate Conservation Agreement with Assurances (CCAA). Under a CCAA, non-Federal property owners who voluntarily agree to manage their lands or waters to remove threats to proposed or candidate species receive assurances that their conservation efforts will not result in future regulatory obligations under the Act, beyond what they agreed to, in the event the species becomes listed. Species that are considered likely to become candidate or proposed species in the near future may also be included in a CCAA.

CCAAs differ from Candidate Conservation Agreements in several key respects. Candidate Conservation Agreements can involve both Federal and non-Federal land, and they do not include assurances. Moreover, there are no specific regulatory requirements concerning the content of Candidate Conservation Agreements. In contrast, CCAAs are specifically designed to provide incentives to non-Federal landowners. CCAAs are available for non-Federal lands only, and they result in issuance of a permit that is the mechanism for providing assurances to the non-Federal landowner. The Service enters into such agreements when they determine that the benefits of the conservation measures under the CCAA, when combined with those benefits if they were taken on other necessary properties, would preclude or remove any need to list the covered species.

Under the Landowner Incentive Program, the FWS also provides financial assistance to partners interested in implementing conservation actions that benefit listed and other imperiled species on non-Federal lands. This program provides competitive matching grants to states, territories, and tribes to establish or supplement landowner incentive programs that provide technical and financial assistance to private and tribal landowners.

As part of the Administration's overall Cooperative Conservation Initiative and funded through the Land and Water Conservation Fund, the Partners for Fish and Wildlife program is a voluntary habitat restoration program that provides financial assistance and restoration expertise to private landowners, tribes, and other conservation partners who choose to improve the condition of fish and wildlife habitat on their land. Recognizing that the majority of the Nation's current and potential threatened and endangered species habitat is on property owned by non-Federal entities, the program affords landowners the tools needed to make private lands working landscapes that benefit wildlife, while maintaining productive activities. Since its creation in 1987, the Partners for Fish and Wildlife Program has established over 28,000 agreements with landowners resulting in the restoration of 1,060,000 acres of uplands, 649,300 acres of wetlands, and 4,670 miles of riparian and instream habitat.

These programs reflect the belief that the conservation of listed species and their habitat depends on the cooperative participation of non-Federal partners. These programs, which require non-Federal cost-sharing participation, reflect a strong commitment to conservation through cooperation, communication, and consultation with private, state, and other non-Federal partners.

PETITION REVIEW

Between May 1999 and December 2003, seven petitions were filed with the FWS to protect the sage-grouse under the ESA. Three of these petitions are to list the greater sage-grouse throughout its range. In April 2004, FWS released its 90-day finding that there was enough information presented to merit a status review.

During this status review, the FWS will utilize its Policy for Evaluation of Conservation Efforts (PECE), which was developed by the FWS and NOAA–Fisheries. PECE is designed to help guide agency personnel in the evaluation of whether planned conservation efforts by other Federal agencies, state, local, or tribal governments, businesses, organizations, or individuals, contribute to forming a basis for not listing a species or for listing a species as threatened rather than endangered. The final policy, published at 68 Fed. Reg. 15100, identifies criteria to be used by the agencies in determining whether formal conservation efforts—those identified in conservation agreements, conservation plans, management plans, or similar docu-

ments—that have yet to be implemented or to show effectiveness contribute to making listing a species unnecessary.

The policy lists 15 criteria that FWS personnel will use to direct their analysis as to whether a particular conservation effort is sufficiently certain to be implemented and effective. Examples of the criteria include: (1) the conservation effort, the parties to the agreement or plan that will implement the effort, and the staffing, funding level, funding source, and other resources necessary to implement the identified effort are identified; (2) the legal authority of the parties to the agreement or plan to implement the formal conservation effort, and the commitment to proceed with the effort, are described; and (3) regulatory mechanisms necessary to implement the conservation effort are in place.

The policy is not intended to provide guidance for determining the level of conservation or types of efforts needed to make listing unnecessary; instead, it is intended to ensure a consistent and adequate evaluation process in making a determination as to whether a conservation effort is sufficiently certain to be implemented and to be effective, and that it contributes to eliminating or reducing one or more threats to a species. Under this policy, those conservation efforts that are not sufficiently certain to be implemented and effective cannot contribute to a determination that listing is unnecessary or to a determination to list a species as threatened rather than endangered.

The FWS is currently reviewing material submitted by the BLM, Forest Service, states, and other interested parties and intends to meet the 12-month deadline for status review on December 29.

CONCLUSION

The Department is committed to working cooperatively with our partners toward conservation of the sage-grouse and its habitat. Mr. Chairman and Members of the Committee, this concludes my statement. I am happy to answer any questions that you might have.

RESPONSES BY CHAD CALVERT TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Question 1. I gather from your testimony that most of the regulatory procedures already required in BLM sage-grouse conservation are provided as "Standards and Guidelines" that are written specifically for each state and can be amended. What is the process—step by step—for amending these requirements?

Response. "Standards and Guidelines" refers to the BLM's regulations, "Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration" (43 CFR 4180). Policy direction for implementing the regulations is set out in the BLM Handbook (H–4180–1), as is the process for amending Standards and Guidelines. As discussed more fully below, the key steps are: advice to the BLM State Director from citizen-based Resource Advisory Councils (RACs); approval by the Secretary of the Interior; and implementation of new or amended Standards and Guidelines through BLM's land use planning process.

To ensure that the Standards are appropriate for individual areas and to increase public support for the Guidelines, BLM State Directors worked closely with their respective Resource Advisory Councils (RACs) to develop State-level Standards and Guidelines. The BLM's 23 RACs are Federal Advisory Committee Act (FACA) chartered, citizen-based, groups consisting of 12 to 15 members from diverse interests in local communities, including ranchers, environmental groups, tribes, State and local government officials, academics, and other public land users, which advise BLM on the management of the public lands.

Standards are expressions of physical and biological conditions or the degree of function required for healthy lands and sustainable uses. Their purpose is to help the BLM, public land users, and others focus on a common understanding of the fundamental resource conditions required to assure that the land is healthy and functioning.

Guidelines explain to BLM managers, permittees, other public land users, and interested groups, the methods which the BLM plans to use, for example, grazing systems, vegetative treatments, surface occupancy restrictions, or improvement projects, to manage activities on the public lands in order to assure that the Land Health Standards are achieved.

After State-level Land Health Standards and Guidelines are developed by the RACs and the BLM State Directors, the Standards and Guidelines are submitted to the Secretary of the Interior for approval. New, revised or amended Standards and Guidelines must be approved by the Secretary before being implemented. Once approved by the Secretary, they are implemented within the geographic area (usu-

ally the BLM planning area) for which they were developed, through the regular land use planning process.

SPECIAL STATUS SPECIES MANAGEMENT

With respect to sage-grouse, the Standards and Guidelines for Rangeland Health include specific direction to BLM State directors to develop standards to promote conservation of habitat for special status species. The goal of Special Status Species Management (BLM Manual 6840) is to implement management plans for the public lands that conserve candidate and Bureau-sensitive species and their habitats, and to ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed under the provisions of the Endangered Species Act.

For example, as a result of the greater sage-grouse being designated for special status species management, all authorized activities occurring on public lands (including livestock grazing, off-highway vehicle use, oil and gas drilling, and recreational development) are evaluated in the regular land use planning process to ensure that the activities will not contribute to the need to list the species as threatened or endangered.

If there is a risk that authorized activities on public lands may contribute to the need to list the species, the BLM works collaboratively with individual States to develop mitigation factors (such as stipulations on permitted uses) that are designed to reduce the potential negative impact to the special status species from such activities. In a March 2003 agreement between BLM-Idaho and the State of Idaho's Department of Fish and Game, both the Federal Government and State of Idaho designated the greater sage-grouse (among other animals and plants) as a sensitive species to be managed under the provisions of Special Status Species Management. BLM-Idaho and the State of Idaho agreed to manage other activities on both public and state-owned lands so as to conserve sage-grouse populations and sagebrush habitat, with the goal of minimizing the need for the species to become listed as threatened or endangered by either Federal or State governments in the future.

Question 2. One way to expand the State/Federal Sage-grouse Conservation Planning Framework Team to include non-governmental entities might be to amend the Memorandum of Agreement that originally formed the Framework Team. If you were to consider doing so, what would be some pro's and con's to chartering a Federal Advisory Committee?

Response. The factors that make a FACA-chartered advisory council uniquely useful—providing expert advice directly and exclusively to a Federal agency—may be of less benefit in a collaborative, cooperative effort involving many governments (Federal, State, tribal and local). The structure and function of FACA committees is highly regulated, which may limit the Framework Team's flexibility to take into considerations the concerns of State and local governments.

Chartered under the Federal Advisory Committee Act, an advisory council would be able to provide the BLM with expert advice and recommendations, as well as diverse opinions, on sage-grouse and sagebrush habitat conservation on the public lands. The BLM currently works with 39 advisory councils, ranging from our 23 Resource Advisory Councils (RACs), which provide advice on multiple use management of public lands within a State or region of a State, to area-specific advisory councils, such as the Steens Mountain Advisory Council. All recommendations by advisory councils are considered by the BLM's State/field offices and by the Washington office when making decisions about the management of public lands.

FACA-chartered advisory councils operate under formal rules and regulations issued by the General Services Administration (41 CFR 101–6.1001), including, for example: committee members must meet conflict of interest standards; nominations of members to FACA advisory councils are reviewed under a formal public process; meetings must be open to the public and the news media, and announced in advance by publication of a notice in the Federal Register; anyone may appear before or file a statement regarding matters on a meeting agenda; minutes of meetings must be made available to the public; a quorum of members must be present to conduct official business.

In an effort involving collaborative and cooperative management of a resource (for example, sage-grouse and sagebrush habitat conservation) that occurs in several States and crosses multiple layers of government jurisdictions (Federal, State, tribal, local), we would have to ask whether the non-Federal governmental participants would welcome the addition of a preferred advisor to the BLM that would have to operate under strict regulations. FACA-chartered advisory committee can provide advice solely to the Federal agency head regarding management activities on the public lands. Inclusion of such a group in the Framework Team may limit its flexi-

bility to take into consideration the concerns of State and local government participants.

The western states have led the collaborative efforts to develop range-wide strategies for the conservation of sage-grouse and sagebrush habitat. In 1999, wildlife agencies in the 11 western states that comprise the range of the sage-grouse committed to undertake a cooperative approach to the management of sage-grouse populations within and among their states. In 2000, these state wildlife agencies, through the Western Association of Fish and Wildlife Agencies (WAFWA), joined with the USDA Forest Service and the Bureau of Land Management and U.S. Fish and Wildlife Service at the Department of the Interior, to develop, in collaboration and cooperation, a rangewide strategy for the conservation and management of sage-grouse and their sagebrush habitats on the public lands and on lands administered by State and local governments. Under the 2000 MOU, the Federal agencies agreed to collaborate with State and local governments in the development of State and local sage-grouse conservation plans, and to develop plans for conservation of sage-grouse and sagebrush habitat on the public lands that would complement and coordinate with the State and local plans. The MOU provides for the direct participation of private parties and non-governmental entities through local working groups convened by each State. A FACA-chartered advisory board would be a preferred advisor to the BLM as to activities on the public lands and would represent a fundamental shift in the BLM's collaborative and cooperative approach to working with the western states in the State-led sage-grouse conservation effort.

Question 3. In the Subcommittee Outline document, we are envisioning a group that could recommend an organized overall approach to sage-grouse conservation across many states and including many contributing partners. These partners-including agencies such as the BLM, states and state agencies, and private landowners-would still have final say whether to adopt recommendations or participate in an organized effort. How would you define the scope of this effort in order to make it most likely to succeed in balancing site-specific realities with the benefits of a regional overview?

Response. The Subcommittee Outline presents several interesting points, and we would appreciate the opportunity to discuss the Outline in greater specificity with Subcommittee staff. In many respects, the Outline offers parallels to the collaborative and cooperative efforts undertaken over the past four years by 11-state wildlife agencies, local governments, and Federal agencies under the 2000 Memorandum of Understanding between the Western Association of Fish and Wildlife Agencies (WAFWA) and the BLM and U.S. Fish and Wildlife Service at the Department of the Interior and the Forest Service at the USDA.

Under this MOU, WAFWA led the effort to prepare a rangewide sage-grouse Conservation Assessment, released on June 9, 2004, that examined sage-grouse populations and habitat conditions across the 11 states comprising the range of the sage-grouse. Each of the 11 States either has completed or is currently working to complete, through local working groups, state and local sage-grouse conservation plans. The BLM's National Strategy for Sage-Grouse Habitat Conservation on the public lands was released on November 16, 2004. The State/Federal effort under the MOU has produced both a rangewide overview (the Conservation Assessment) and site-specific implementation (sage-grouse conservation plans at the local and state levels, and sagebrush habitat conservation plans for the public lands).

Question 4. What would be the most effective way to include the ideas of local working groups in the effort envisioned in the Subcommittee Outline?

Response. We cannot overstate the importance of the participation of local working groups in the development of plans, at the local, State, and public land levels, for the conservation of sage-grouse and sagebrush habitat. Under the 2000 MOU, the ideas, opinions, and recommendations of local working groups are channeled through the individual States and are included in the development of local and State-level conservation plans. The BLM takes into consideration the ideas of local working groups as it develops, under the MOU, habitat conservation plans for the public lands that complement and coordinate with state and local sage-grouse conservation plans. As structured under the MOU, this collaborative process has worked well to incorporate the opinions and recommendations of local working groups.

STATEMENT OF BRUCE I. KNIGHT, CHIEF, NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to present the Department of Agriculture's perspective on habitat restoration and preservation associated with the sage grouse in eleven western states. I thank the Members of the Committee for the opportunity to appear, and I would like to express gratitude to the Chairman and members of this body for your interest in USDA's roles in helping farmers, ranchers, and other private landowners improve sage grouse habitat. Under the leadership of Secretary Veneman, we at USDA have taken proactive steps to provide additional program assistance specifically for sage grouse habitat conservation.

I would like to take a moment to highlight the background of the USDA Natural Resources Conservation Service (NRCS) to place our involvement into context. NRCS assists owners of America's private land conserve their soil, water, and related natural resources. Local, state and Federal agencies and policymakers also rely on our expertise. We deliver technical assistance based on sound science and suited to a farmer's or rancher's specific needs. In addition, NRCS offers voluntary assistance to landowners in the form of financial incentives, cost share and conservation easements. In 2002, President Bush signed into law the most conservation oriented Farm bill in history, which reauthorized and greatly enhanced conservation programs. In total, the new Farm bill enacted by the President is estimated to provide a $17.1 billion increase in conservation funding over a 10-year period. In addition, direction was provided to assist agricultural producers meet regulatory challenges that they face.

From the standpoint of the mission and perspective of the NRCS, we have recognized that the issue of sage grouse habitat has become of increased concern to many farmers, ranchers, and other private landowners. We also recognize that 28 percent of the existing sage grouse habitat is found on private lands. This area represents about 40 million acres. Our goal is to help agricultural producers maintain and improve sage grouse habitat as part of larger management efforts that provide for multiple land benefits. Mr. Chairman, there exists substantial potential to combine and coordinate sage grouse habitat efforts across governments, with farmers and ranchers, sportsmen groups, businesses and other stakeholders. NRCS is eager to join forces with the many interested parties in accelerating our efforts for sage grouse.

PROGRAM ASSISTANCE

Last month, the Secretary announced $2 million in Grassland Reserve Program (GRP) funding available specifically for special projects to help protect sage grouse habitat. The Grassland Reserve Program helps viable ranching and farming operations protect and enhance grassland, rangeland, shrubland and certain other lands and provides assistance for rehabilitating grasslands. Eligible lands are enrolled in GRP through easements and rental agreements. The additional $2 million for sage grouse assistance was made available in Colorado, Idaho, Utah, and Washington. Each state received $500,000 to protect and enhance sage grouse habitat on GRP easement lands, with technical assistance and additional financial assistance provided through state and local partnerships. The sage grouse funding was in addition to nearly $70 million that was made available in fiscal year (FY) 2004 to enroll land in the Grassland Reserve Program nationwide.

The Department also recently announced targeted sage grouse assistance through the Wildlife Habitat Incentives Program (WHIP). Specifically, NRCS provided $350,000 to protect habitat of sage grouse at Parker Mountain, Utah. WHIP is a voluntary program for people who want to develop and improve wildlife habitat primarily on private land. Through WHIP, NRCS provides both technical assistance and up to 75 percent cost-share assistance to establish and improve fish and wildlife habitat. WHIP agreements between NRCS and the participant generally last from 5 to 10 years from the date the agreement is signed. Under the targeted sage grouse initiative in Utah, landowners will use the funds for brush management, reseeding, water development and wildlife habitat management on approximately 104,000 acres.

But our assistance to the sage grouse goes far beyond the targeted funding that has been announced. For example, our agency's flagship conservation cost-share program, the Environmental Quality Incentives Program (EQIP) is providing nearly $1 billion in conservation incentives and cost-share assistance nationwide this year, with even greater funding authorized for fiscal year 2005. We also know that the conversion of farm and ranchlands to non-agricultural usage poses a particular challenge to sage grouse habitat. I would note that the Department's Farm and Ranch Lands Protection Program is providing $112 million this year to partner with state,

local, and non-governmental efforts to protect prime farm and ranchland from development. While it is difficult to quantify the impacts, we know that both of these programs are making important contributions toward protecting and developing sage grouse habitat. Combining the efforts of all our programs and technical assistance, NRCS estimates that in fiscal year 2004 more than 80,000 acres of sage grouse habitat will benefit directly from private lands conservation efforts with more than 1 million acres experiencing a secondary benefit. For fiscal year 2005, we estimate that about 1.5 million acres of sage grouse habitat will benefit from primary and secondary effects combined.

NRCS offers both technical and financial assistance that can help producers preserve, restore, and enhance sage brush habitat. In terms of conservation planning, NRCS provides a broad range of expertise, largely through the agency's Conservation Technical Assistance program, that can result in multiple complementary benefits, including the reduction of soil erosion and water quality improvements. Specific examples of NRCS assistance include the following:

- rangeland planting
- livestock fencing
- water developments
- rangeland treatments
- prescribed grazing
- conservation cover
- field borders
- land reclamation for fire control
- critical area planting
- reduction of incidental chemical spraying
- pest management
- brush management
- shrub establishment
- native grass and legume establishment
- riparian herbaceous plantings
- riparian forest plantings
- wetland restoration
- protection of sage brush habitat

While NRCS offers many established conservation planning and practice measures that benefit sagebrush and sage grouse habitat, we are also taking steps to develop new scientific and technical tools to assist our field staff. For example, we recently developed new technical guidance through a collaborative arrangement with the Wildlife Habitat Council, which will assist field staff to implement conservation measures that benefit sage grouse habitat. The guidance is currently in peer review and is expected to be released before the end of the calendar year. NRCS also operates Plant Materials Centers (PMCs), which develop new plant cultivars and planning/management techniques in order to meet conservation objectives. We are directing a new initiative within the Plant Materials program to improve sage steppe restoration efforts, such as developing new science for improving restoration and interspersion of grasses and forbs within sagebrush habitat, and to develop techniques for control and management of invasive species such as cheat grass. Also, this year NRCS committed funding to assess the effects of conservation practices on sage grouse. We believe that we must provide our field staff with as much knowledge, data, and technical standards and specifications as possible, in order to ensure that farmers and ranchers are getting the expert advice that they need. NRCS is also planning a training course on conservation and management of sage grouse habitat for our field conservationists planners this coming spring.

OUTREACH AND INTERAGENCY COLLABORATION

Mr. Chairman, while NRCS has focused to meet landowner needs, we also want to ensure that we partner appropriately with agencies within the Department of the Interior and governmentwide. We know that significant gains are being made on private lands and seek to ensure that the voice of agriculture is being heard and the stories of success on farms and ranches are being incorporated into discussions and decisions about the sage grouse. Also, we at USDA want to fully understand the perspective and objectives of partner agencies in order to ensure that our work is well directed, not duplicative, and best suits the needs of our customers.

Earlier this year, we initiated a leadership retreat with the U.S. Fish and Wildlife Service (FWS) in order to give the top leadership staff of both agencies insight into each other's operations. We are also working together to develop many important concepts with respect to how conservation improvements should be regarded in future regulatory decisionmaking. Mr. Chairman, we know that the relationship be-

tween agriculture and wildlife will become a matter of ever increasing importance in the future. We want to ensure that we are in the best position possible to explain the linkages and work toward the most positive outcomes possible for the sage grouse, other species, as well as farmers and ranchers alike.

We are also working with the Western Governors Association (WGA) on ways to further define our efforts, products and develop a strategy for further collaboration. NRCS maintains a full time employee on staff as a liaison with the WGA. We are working to identify ways to engage private land holders up front, on what it means to have sage grouse present by obtaining their presence and viewpoints in early meetings. Also, NRCS has developed a joint publication with the Western Governors Association on the interrelationship of private lands and sage grouse habitat.

Mr. Chairman, we recognize there will be many challenges ahead, but we are enthusiastic about what is being done on private lands, and about all of the further progress that is possible.

Thank you again, Mr. Chairman and Members of the Committee, for inviting USDA to participate in today's hearing. I would be pleased to respond to any questions that Members of the Committee might have.

RESPONSE BY BRUCE KNIGHT TO ADDITIONAL QUESTION FROM SENATOR CRAPO

Question. The programs through which you are making funds available are competitive, grant application type programs. How do "State Technical Committees" make decisions in governing these programs? For example, if a regional group such as that envisioned in the Subcommittee Outline were to recommend priorities for' sage grouse, what would be the process of adjusting the application ranking procedure so as to adopt those recommendations?

What would be the most effective way to include the ideas of local working groups in the effort envisioned in the Subcommittee Outline?

Response. The Natural Resource Conservation Service (NRCS) conservation funds are available, not through a competitive grant application, but through various cost-share and easement programs that are available to farmers and ranchers. Each State then establishes an application ranking period to allow evaluation of projects for different program funding. Contracts are awarded based upon an environmental score for each application that achieves the natural resource benefits identified by local, State and national priorities. Practices eligible for cost share and the ranking criteria are developed with input from local work groups and State Technical Committees. Applications are ranked in this manner for the Environmental Quality Incentives Program, Wildlife Habitat Incentives Program, Wetlands Reserve Program, Grassland Reserve Program and the Farm and Ranch Land Protection Program. Ranking worksheets and application information for these programs are available on-line at http://www.nrcs.usda.gov/programs/.

State Technical Committees are established under the authority of Section 1261 of the Food Security Act of 1985 to provide advice for technical considerations and technical guidelines necessary to implement conservation. The NRCS State Conservationist chairs the committee. Additionally, State Technical Committees provide recommendations on a number of natural resource issues within a variety of conservation programs. Although the State Technical Committee has no implementation or enforcement authority, the Department of Agriculture (USDA) gives strong consideration to the committee's recommendations, such as any recommendations on improving sage grouse habitat.

On April 20, 2004, the NRCS Deputy Chief for Programs issued an internal memo to all State Conservationists in the 11 Western States with declining sage grouse populations. The memo stated NRCS's commitment to develop and implement a proactive strategy to conserve sage grouse habitat. Recognizing that conservation programs could provide significant benefits, each State Conservationist was encouraged to consider sage grouse habitat in program ranking and project selection criteria. Each State Conservationist made some adjustments in the criteria to meet this objective in 2004, and further adjustments are expected in 2005. Recommendations from a regional group, such as envisioned in the Subcommitteeq Outline, could be provided to each relevant State Technical Committee for discussion.

Local work groups have proven to be a unique and valuable source of expertise and perspective on private lands conservation at the grassroots level. We typically think of the role of the work groups as providing recommendations on program and technical matters of interest to USDA. However, we can certainly see the potential value in dialogue on sage-grouse related issues with the regional group contained in the Subcommittee Outline. Certainly, open lines of communication between the

groups would be important, and potentially more formal collaborative arrangements could take place where membership deems appropriate.

STATEMENT OF TERRY CRAWFORTH, DIRECTOR, NEVADA DEPARTMENT OF WILDLIFE, AND VICE-PRESIDENT, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

INTRODUCTION

Mr. Chairman, Senators, thank you for inviting me to discuss our sage grouse conservation efforts across the western United States. I am Terry Crawforth, Director of Nevada Department of Wildlife. Today, I would like to tell you of what I believe to be the largest volunteer species conservation effort ever undertaken. An effort designed by the Western Association of Fish and Wildlife Agencies, with association membership composed of the Fish and Wildlife Agencies from the 23 western states and Canadian provinces.

Sage grouse were first identified by Lewis and Clark in 1831 as Centrocercus urophasianus. These "spiny-tailed pheasants" have inhabited Western North America for over 11,000 years and are thought to have occupied an area of approximately 500,000 square miles with optimum numbers estimated at 2 million. Currently, sage grouse occupy approximately 258,000 square miles in 11 states and two Canadian provinces with a total population estimate exceeding well over 250,000 adult birds. Sage grouse are a sagebrush obligate and represent over 20 other species of wildlife that require healthy sagebrush ecosystems in order to survive.

BACKGROUND

The Western Association of Fish and Wildlife Agencies has been engaged in sage grouse conservation since 1954 when it formed a Technical Committee of scientists and managers. The technical committee advised the western directors in 1995 that they were concerned with the decline in numbers and reduction in distribution of sage grouse across their range and recommended that the Association begin specific conservation actions. That year, the member states and provinces committed to take the lead in conserving sage grouse in a Memorandum of Understanding (MOU), entitled, "Conservation of Sage Grouse in North America." That MOU called for development of science based local area conservation planning efforts. The dimensions of this effort are significant but successful. To date the western states have developed the cooperation and assistance of the Bureau of Land Management, U.S. Forest Service, and the U.S. Fish and Wildlife Service via a separate MOU; installed an interdisciplinary range-wide planning framework team; achieved several grants to fund the various planning efforts; completed significant research; standardized data collection techniques and increased our data gathering efforts (last year, biologists and volunteers counted over 50,000 males on 2,600 breeding grounds or leks); and in cooperation with the U.S. Geological Survey, published a 600-page status assessment of greater sage grouse and sagebrush habitats. In this report, our team evaluated the best science available to determine the status of sage grouse and its habitat. We determined that populations declined dramatically from 1965 to the mid-1980's, declined at a slower rate from the mid-1980's and were nearly stable for the past 10-years. While a wide variety of threats to sage grouse were identified in the assessment, the most significant are the degradation, fragmentation and out right loss of western sagebrush habitat.

CONSERVATION EFFORTS

All of the information and science was developed in order to support our most important achievement—grass roots conservation plans. The western states, in cooperation with communities, Native Americans, industry, NGO's, and the various Federal agencies have been developing local area and state by state conservation plans. These local working groups currently number more than 50 in 10 states and will number more than 75 groups by 2006. These planning efforts are coordinated by each state and are nationally coordinated by the National Sage Grouse Conservation Planning Framework Team which has members from the association, Bureau of Land Management, U.S. Forest Service and U.S. Fish and Wildlife Service. The leadership of Nevada Governor Kenny Guinn has led the Western Governor's Association (WGA) to adopt three resolutions supporting this approach to conservation planning and implementation. On-the-ground conservation actions are being implemented across the range, where funding is available and cooperative projects are identified. The WGA has highlighted numerous sage grouse planning and project success stories in their Endangered Species Act listing submission to the U.S. Fish and Wildlife Service. We sincerely appreciate the Governors' support and would like

to acknowledge the attention that Bureau of Land Management Director Kathleen Clarke has applied toward sage grouse conservation. Our sage grouse conservation actions are designed to evaluate conservation challenges and implement treatments to address these challenges, monitor the results of the treatment and adapt future management based upon those results.

CONCLUSION

In conclusion, we have learned from previous species conservation efforts and succeeded in the largest mobilization ever of the public in a conservation effort. Much of that success can be attributed to the fact that local groups were allowed to develop local solutions without the encumbrance of rules and processes such as those required by the Endangered Species Act. Clearly, this effort will benefit sage grouse and all other wildlife species that use or depend upon sagebrush habitats. We are finished with the first phase of the planning cycle and are beginning project implementation. Successful implementation of meaningful conservation will require years of coordinated effort and a substantial infusion of new money to match existing Federal programs such as Farm bill, fire and fuels management, invasive species, and even the wild horse program. Federal agencies that manage 70 percent of the world's sage grouse habitat, primarily the Bureau of Land Management and U.S. Forest Service, do not have the resources to reallocate funds from existing programs to the sage grouse/sagebrush ecosystem conservation efforts. State wildlife agencies and local government are similarly strapped for funds and personnel to conduct planning, implementation, and monitoring efforts. The range-wide effort to conserve sagebrush, sage grouse and associated species, using an incentive based, publicly driven process is an historic new model for conserving a species or ecosystem before it needs protection by the ESA. Local folks are best qualified to address these issues and are more than willing to step up to the plate. What they need is financial support in order to implement planned projects, and if I might be so bold as to suggest that this might come in the form of increased State Wildlife Grants or even a separate federally funded sage grouse/sagebrush conservation initiative.

Thank you and I would gladly answer any questions.

Challenges

The nature and magnitude of the conservation challenge facing Nevada's citizens to preserve the Sage Grouse as a permanent living feature of our natural heritage is significant.

Challenges that must be addressed:

- ***Shrinking Rangewide Distribution***
- ***Deteriorating Status in Nevada***
- ***Landscape Scale Management***
- ***Population and Habitat Risks***
- ***Human-Related Challenges***
- ***Consequences of Listing***

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POSTAGE WILL BE PAID BY ADDRESSEE:

ATTN: NEVADA SAGE GROUSE
CONSERVATION PROJECT
NEVADA DIVISION OF WILDLIFE
1100 VALLEY RD
RENO NV 89512-9924

How You Can Help

The Governor's Sage Grouse Conservation Team is asking you to help with this important effort. The Governor has asked local governments and leaders to form and guide planning groups to develop local area plans. They need your participation, knowledge, and ideas to be successful. Local Area Conservation Planning (LACP) groups will learn about Sage Grouse and identify species' needs and human needs in their area. The goal of this proactive planning effort is to restore Sage Grouse, provide for public input at the local level, while keeping land use options flexible.

Our Opportunity

Since most Sage Grouse and their sagebrush habitats are located in the northern two-thirds of rural Nevada, rural areas and people will feel the biggest impacts of plan implementation. Highly dependent on natural resources, rural Nevada residents and their local economies are particularly susceptible to changes in natural resource management. Through the development of Local Area Conservation Plans, Nevada residents in cooperation with state and federal resource agencies and indian tribes will have the opportunity to develop plans that meet their needs.

PLANNING TEAMS WILL BE ORGANIZING IN NOVEMBER AND DECEMBER 2001.

If you would like to help please take the time to cut out and complete the attached post card and mail it today! We need and want your participation.

6-1197

Nevada's Sage Grouse Conservation Project

-Local Area Conservation Planning Effort-

NEVADA

Introduction

The decline of Sage Grouse across the West has resulted in petitions for listing of local populations of Sage Grouse as an endangered species in the states of Washington, Utah and Colorado. Some concerned citizens have advocated a range-wide listing.

The listing of the Sage Grouse as an endangered species would have a significant impact on Nevada. Since the species is found statewide except in Clark County, land development and use, water use and recreational activities would be affected, impacting local economies in the process.

In response to these concerns, Nevada Governor Kenny Guinn called together a diverse group of interested parties in August of 2000 to develop a statewide Sage Grouse Conservation Plan. Called the Governor's Sage Grouse Conservation Team, and representing the diverse interests of the state, this group has prepared a planning system that offers tools, resources and current scientific information to formulate Sage Grouse conservation plans that emphasize local involvement and decision-making.

Traditionally, the responsibility for species and habitat management has been divided between various authorities that have often worked independently, producing ineffective results. Development of Sage Grouse conservation plans through local collaborative planning processes provides a critical opportunity to coordinate current land and bird management activities through a single integrated process, using adaptive management techniques. By working together, stakeholders have the opportunity to develop and implement an effective Sage Grouse conservation program that will balance the needs for sagebrush habitat, Sage Grouse populations, and economic considerations.

The Bird

Sage Grouse are the largest of the North American grouse. Males range from 27 to 34 inches in length and weigh five to seven pounds, while females are 18 to 24 inches in length and weigh from two to three pounds. They are a grayish-brown bird with a dark belly and long, pointed tail feathers.

Sage Grouse are found in all of the western states except Arizona and New Mexico. They are distributed throughout Nevada wherever sagebrush is found. The birds are considered a "landscape scale" species, meaning that they require vast tracts of acceptable habitat to fulfil their life history requirements.

Sage Grouse numbers have been declining in Nevada, and distribution has shrunk with widespread habitat losses.

☐ Yes, Governor Guinn I would like to help conserve Nevada's Sage Grouse resource by participating on a local area sage grouse planning team.

☐ Governor, I cannot participate in a local area planning group, but I am concerned about my Sage Grouse resource. I would like to receive information about this effort.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: W _____ H _____

Email: _____

Local Area Planning Unit(s) that you would like to participate in:
(See map above)

Scale of the Effort

RESPONSES BY TERRY CRAWFORTH TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Question 1. Of the technical questions that remain to be answered more satisfactorily, how would you rank the following types of information in terms of importance to management: mapping of presence and absence of sage grouse, improving the reliability of population indices or estimates, estimating demographic parameters such as birth and survival rates, elineating habitat types that correspond to demographic parameters?

Response. It is difficult to rank the technical information needed since species and habitat population demographic data must be achieved somewhat simultaneously in order to design management prescriptions. The western states and federal agencies have completed much of this work on a gross scale. Our challenge now is to refine the gross data, while developing smaller management unit specific data, techniques and research needs in support of local area planning.

Question 2. What would be the proper relationship between local working groups and state agency personnel if a region-wide initiative were to from as envisioned in the Subcommittee Outline? For example, would state personnel be most effective as advisors to the members of the groups or as members of the groups themselves?

Response. The western states hope that everyone will join the existing sage grouse planning effort designed and implemented by the Western Association of Fish and Wildlife Agencies. In that process, we have a multi-agency range-wide team to provide range-wide technical data and research. Each state and local group has functioned differently, by design, in order to facilitate what works best locally. We have been the most successful where one staff from each agency is an equal member with other team members and can bring technical information or experts to the table when needed.

Question 3. What would be the most effective way to include the ideas of local working groups in the effort envisioned in the Subcommittee Outline?

Response. With all due respect, the effort envisioned by the Subcommittee is already several years in progress and in need of support. Seventy local groups have brought their ideas to the table, acquired the necessary technical information, completed plans and are engaging in project implementation. What they need are any unrepresented interests to join them with ideas, energy and funding.

STATEMENT OF GREG SCHNACKE, EXECUTIVE VICE PRESIDENT, COLORADO OIL & GAS ASSOCIATION ON BEHALF OF PARTNERSHIP FOR THE WEST

I. INTRODUCTION

Mr. Chairman and Members of the Subcommittee, my name is Greg Schnacke and I serve as Executive Vice President of the Colorado Oil & Gas Association. I am here representing the members of the Partnership for the West grassroots coalition, of which our Association is a member.

I am pleased to provide this testimony on local and regional efforts throughout the West to conserve the Greater Sage-grouse. This testimony has been specifically endorsed by a wide range of the Partnership's members, and that list is included at the conclusion of this testimony.

By way of background, the Partnership for the West is a non-profit, broad-based alliance of people who support a clean environment and a healthy, growing economy. The membership includes more than 400 companies, associations, coalitions and group leaders who collectively employ or represent more than one million citizens across America in the following sectors: farm/ranching, coal, timber/wood products, small businesses, utilities, hard rock mining, oil & gas, construction, manufacturing, property rights advocates, education proponents, recreational access advocates, county government advocates, local, state and Federal elected officials, grassroots activists and others.

Founded in 1984, the Colorado Oil & Gas Association is a non-profit organization designed to foster and promote the beneficial, efficient, responsible and environmentally sound development, production and use of Colorado oil and natural gas.

As this Subcommittee is aware, the U.S. Fish & Wildlife Service (USFWS) is currently reviewing this species for possible listing as "threatened" or "endangered" under the Endangered Species Act (ESA).

Our testimony makes two very important recommendations:

1. The USFWS should allow state and local officials to continue devising and managing locally led conservation efforts aimed at preserving and restoring the Greater Sage-grouse to biological health, and should not affect a Federal takeover of these efforts via an Endangered Species Act (ESA) listing. Such a listing would not be in

the best interests of the recovery of this species and would chill ongoing sage-grouse conservation efforts.

2. Private- and public-sector stakeholders across the region should continue to engage in innovative and effective sage-grouse and sage brush habitat conservation efforts, and those efforts should be coordinated as much as possible range-wide. We applaud the Chairman's leadership in facilitating discussions across interest sectors on long-term conservation strategies for the sage-grouse. We look forward to engaging in those discussions. However, we must also note the obvious: if the U.S. Fish and Wildlife Service (USFWS) goes in the other direction and lists this species, that will not only chill current conservation initiatives but will also discourage stakeholders from engaging in further discussions about new, range-wide strategies.

II. STATE AND LOCAL CONSERVATION EFFORTS

In support of the first recommendation, I would like to make four main points, which will be more fully developed throughout my testimony:

1. An unprecedented set of innovative and aggressive sage-grouse conservation efforts have been launched across the West in recent years. It is these locally led conservation strategies that will provide conservationists and wildlife managers with the most effective tools to preserve this species. In contrast, a "threatened" or "endangered" listing under ESA will have a dramatic and chilling effect on these locally led conservation efforts and will discourage a wide range of stakeholders from continuing to engage in these efforts.

2. These locally led conservation efforts are already making a difference. A recent analysis by the Western Association of Fish and Wildlife Agencies (WAFWA) indicates that population trends over the last 10–15 years in nearly every one of the 11 Western states with sage-grouse shows a stabilization of populations and, in many cases, an increase in sage-grouse numbers. We have serious concerns about the reliability of some of WAFWA's data. For example, many lek counts underrepresented sage-grouse populations because they were undertaken in poor weather conditions, during the wrong season or at the wrong time of day. The WAFWA Assessment failed to even recognize leks documented by many States simply because no individuals were counted at the same time. This clearly under-represents the number of actual leks in existence. However, this report does represent the best science thus far available on this species. And, we believe that its findings indicate that the conservation efforts that have been launched by Federal, state and local governmental and private sector stakeholders in the past decade are making a positive difference in the future of this species.

3. Federal officials have an important role to play in sage-grouse conservation and are already actively engaged in these efforts. The Bureau of Land Management (BLM) is expanding its National Sage-grouse Habitat Conservation Strategy in close cooperation with USFWS that will address sage-grouse conservation needs across more than 50 percent of sage-grouse habitat. This puts the Federal Government in a key position to continue to encourage locally driven conservation efforts in coordination with state and local officials and the private sector.

4. In spite of the best of intentions of Federal officials and wildlife managers, the ESA as currently written—and the lawsuits that drive its implementation—do not allow USFWS experts to focus on the most important goal of conservation efforts: species recovery. The current ESA mechanism has, over its 30-year history, shown little success in species recovery. By contrast, locally led conservation efforts are far more successful in this regard. We believe that anyone who truly cares about the future of this species will not want to see its biological future constrained by the demonstrated failings of the ESA.

1. Western States Are Mounting Aggressive and Unprecedented Conservation Efforts

A. State Governments are Taking a Lead Role

The Governors of all 11 Western States with sage-grouse habitat are crafting and implementing comprehensive conservation efforts aimed at preserving this species. For example:

• Of the 11 States and two Canadian Provinces with sage-grouse populations, nine have completed sage-grouse conservation plans. Montana recently completed its draft plan. Colorado and Oregon are on fast tracks to completing their plans, and North and South Dakota completed their plans recently. Idaho has a completed plan and is in the process of revising it. California has been working with the State of Nevada on a joint plan up to this point, but is developing its own work plan for its population of sage-grouse.

• Western States and Provinces are expected to have a total of more than 70 Local Working Groups (LWGs) in various phases of planning, implementing and monitoring progress by Winter 2006.

• There are 23 LWGs scheduled to have completed conservation plans by the summer of 2004. Range-wide coverage of conservation plans are expected by the Winter of 2008. In seven states, conservation efforts have begun and are taking place whether or not a statewide plan is complete: WA, UT, OR, NV, MT, ID and CA. In addition, Federal land managers in Wyoming and Colorado are working with state Game and Fish officials to develop a wide range of development stipulations aimed at helping to conserve sage-grouse populations and habitat.

B. Private Sector Leaders Are Working To Implement Conservation Programs

The innovation is not being left to state governments alone: landowners and others in the private sector are engaging in multi-party efforts on sage-grouse conservation across the West. Several of these are detailed in the Western Governor's Association's (WGA) recent report "Conserving the Greater Sage-grouse." (see http://www.westgov.org/wga/publicat/sagegrouse-rpt.pdf.)

Energy development companies are working range-wide to implement conservation measures both on a voluntary basis and in conjunction with state and Federal land managers.

Also, in recent years, Resource Management Plans developed as part of energy development on Federal lands are increasingly focused on factors such as noise restrictions near leks, as well as noxious weed management, outreach and education, recreational disturbance of sage-grouse, etc. These plans provide for lek surveying and clearances, as well as conservation efforts including lek avoidance, seasonal prohibitions and project "visiting hours" to limit or eliminate disturbance to the bird.

A recent scientific analysis, submitted to the USFWS by the Western Governors' Association, outlines a powerful array of sage-grouse conservation efforts that have been undertaken by oil and gas companies as part of the lease stipulations and conditions of approval on mineral development on Bureau of Land Management lands. We have attached this analysis and request that it be entered into the record as part of our testimony.

Many natural resource companies are undertaking a wide array of sage-grouse conservation initiatives. For example:

• In Wyoming, the Bill Barrett Corporation (BBC), an oil and gas development company, has begun coordinating with state and Federal officials to improve sage-grouse habitat. In one project, BBC instituted a pinyon and juniper pine tree clearing program to enhance Sage-Grouse habitat. In another, Barrett installed a series of sediment check dams in eroding wet meadows to improve sagebrush habitat for grouse and other species.

• Western Gas Resources has been instituting practices to minimize impacts on the sagebrush environment in its operations, such as the use of mowing, rather than clearing, sagebrush for roads wherever possible to minimize damage to soils and sagebrush under story. The company has also instituted an education program for employees and contractors regarding procedures to minimize impacts to sage-grouse and other wildlife species.

• Utilities have also been heavily involved in sage-grouse protection efforts. For example, several utility companies, including Xcel Energy, are involved with the Eagle/Southern Routt Greater Sage-grouse Working Group in Colorado. One of the results of this involvement has been that the utilities actively consult with the Colorado Division of Wildlife on electricity transmission line siting to minimize impacts on sage-grouse populations.

• Hagenbarth Livestock Company in Idaho has cooperated in several projects to conserve sage-grouse habitat, including the Spencer Complex project. The Spencer Complex project seeks to enhance over 5,000 acres of sage-grouse habitat across private property and state and Federal lands.

• The Gordon Cattle Company is involved in a significant sagebrush habitat conservation project in Montana, cooperating with the State to establish an uninterrupted expanse across private property, state, and BLM lands. The resulting conservation corridor will provide more than 24,000 acres of prime sage-grouse habitat.

• The Powder River Coal Company voluntarily instituted "The Prairie Project" in 2001, which had four main goals: to identify key sage-grouse habitats on its North Antelope Rochelle Mine; to collect data on habitat quality and on sage-grouse reproductive data in the Mine area; and to monitor the sage-grouse's use of reclaimed mine land. This landmark effort has resulted in several awards, including a 2002 Mine Reclamation and Wildlife Stewardship Award from the Wyoming Game and Fish Department and the 2004 "Corporation of the Year" award from the Wyoming Wildlife Federation.

• Newmont Mining Company has been working with the BLM and Nevada Division of Wildlife to develop and implement habitat improvement plans on Newmont's lands in the Battle Mountain Range. These planning efforts will ultimately result in both improved habitat and additional sage-grouse habitat, throughout a significant area in Nevada.

• Also in Nevada, the Round Mountain Gold Corporation has been aggressively involved with sage-grouse protection at its Smoky Valley Common Operation. Round Mountain Gold has been working to incorporate sage-grouse considerations into all its work, from mining operations through reclamation.

These are just a few of the hundreds of individual Sage-Grouse conservation efforts being led by private-sector companies in the energy and natural resource sectors.

2. These Local Conservation Efforts are Paying Dividends

The WAFWA assessment noted that if trends characteristic of the 1960's through the mid-1980's continued, the sage-grouse had a relatively high likelihood of being extirpated. However, the report found that for many populations, "those trends have not continued." It goes further to state: ". . . data suggest sage-grouse populations in many areas have been relatively stable for the last 15–20 years and some areas could be considered populations strongholds."

In fact, many States in the West have seen population increases in recent years. And, many of these population increases coincide with the onset of state and locally led sage-grouse habitat conservation efforts.

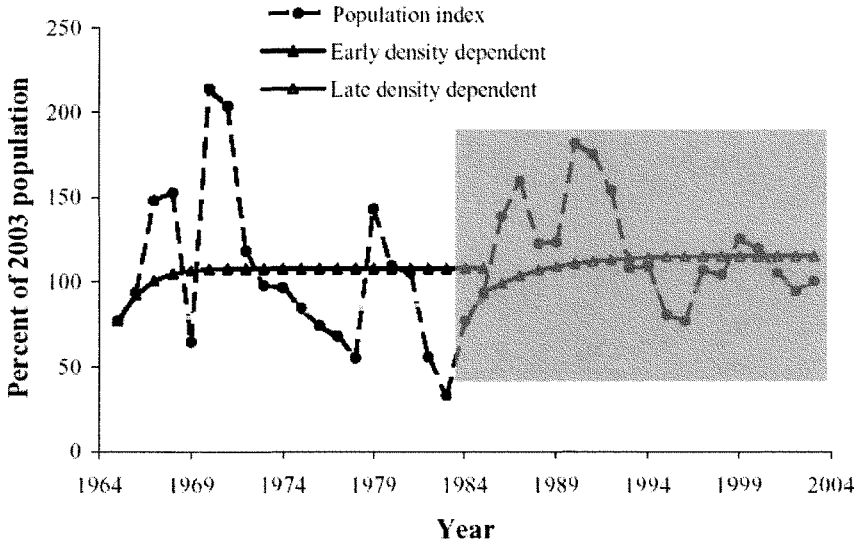
While the WAFWA assessment is widely recognized as the best and most comprehensive science that has been compiled yet about the sage-grouse, we have serious concerns about the validity of some of its data. Nonetheless, if the USFWS ends up relying on the WAFWA assessment in its status review for this species, we believe that it is impossible to ignore the positive population trends for the Greater Sage-grouse over the last 15–20 years across much of the West and the fact that these trends coincide with the onset of increased sage-grouse conservation efforts.

CALIFORNIA

• Annual rates of change standardized on 2003 populations indicated a relatively stable to increasing population trend (Fig. 6.5). Sage-grouse populations increased at an overall rate of 0.7 percent per year from 1965 to 2003. (p. 6–25)

• The proportion of active leks remained relatively stable and high throughout the assessment period, with 5-year averages varying from 77 percent to 90 percent between 1965 and 2003 (Table 6.4).

• Although lek size class varied over the assessment period no obvious patterns could be documented, further suggesting a relatively stable population (Fig. 6.4).

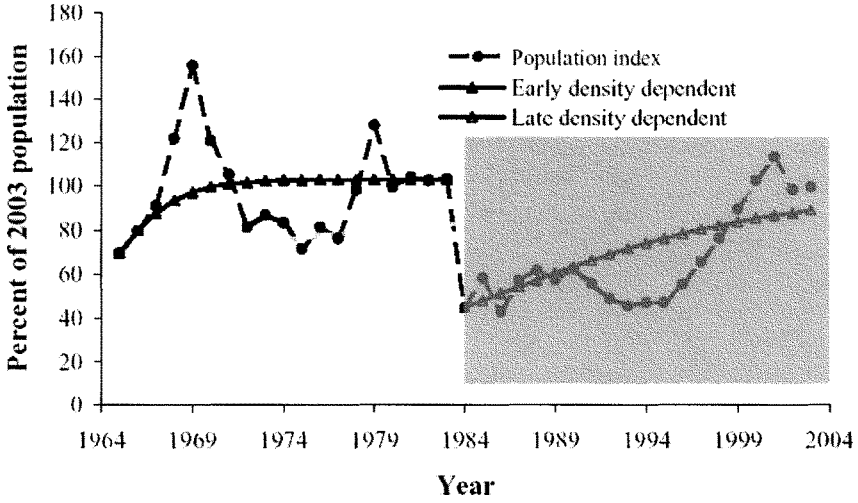


COLORADO

• Annual rates of change standardized on 2003 populations indicated a relatively stable to increasing population trend (Fig. 6.8). Sage-grouse populations increased at an overall rate of 1.0 percent per year from 1965 to 2003.

• The average number of leks censused per-five-year period increased by 159 percent from 1965 to 2003. The number of active leks censused was similarly high, ranging from 35 to 114 and increasing by 124 percent over these same periods.

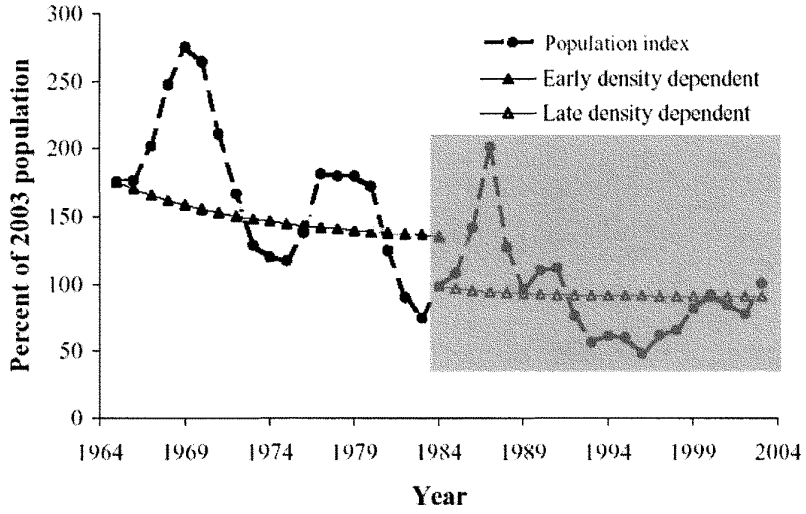
• Greater Sage-grouse in Colorado have been generally increasing for about the last 17 years and available information does not suggest a dramatic overall decline in breeding populations over the last 39 years.



IDAHO

• From 1985 to 2003, the population fluctuated around a level that was approximately 7 percent below the 2003 population and had an average change of 0.12 percent per year. Populations in the late 1960's and early 1970's were approximately 2 to 3 times higher than current populations (Fig. 6.11). The population reached a low in the mid-1990's and then has increased since that time.

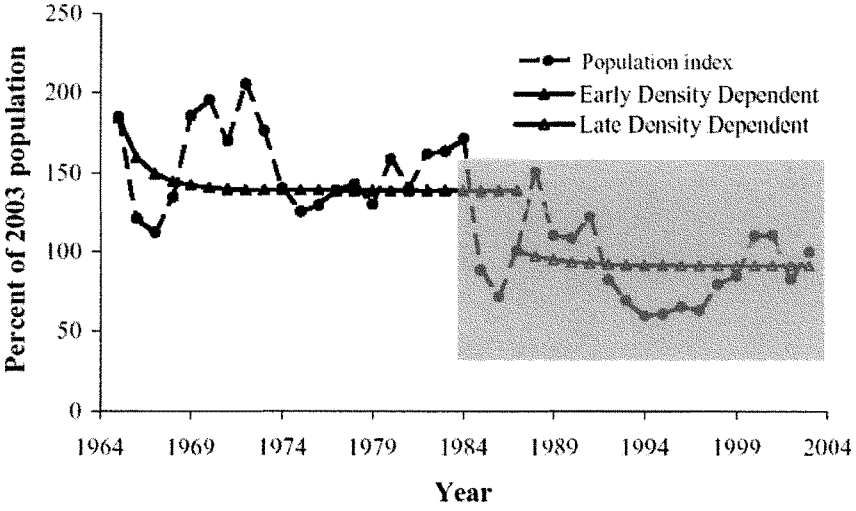
• An average of 74 to 319 leks were censused in 5-year periods from 1965–69 through 2000–03. From 1965 to 2003, the average number of leks censused in 5-year periods increased by 331 percent. The number of active leks censused was similarly high, ranging from 69 to 245 and increasing by 255 percent over these same periods.



MONTANA

• From 1987 to 2003, the population fluctuated around a level that was approximately 9 percent below the 2003 population and had an average change of −0.07 percent per year. Populations in the late 1960's and early 1970's were approximately two times higher than current populations (Fig. 6.14). The population reached a low in the mid-1990's and then has increased since that time.

• The number of leks counted increased and then remained relatively stable until the late 1990's (Table 6.8). By 2000, monitoring efforts increased substantially when the average number of leks counted during 2000–03 increased by 146 percent over the average number of leks counted in 1995–99 (Table 6.8). Overall, the number of active leks monitored followed the same increasing pattern as total number of leks (Table 6.8).

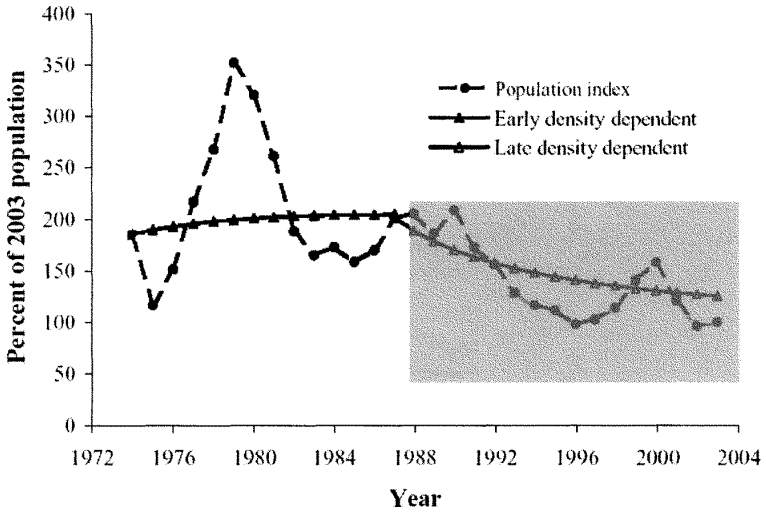


NEVADA

• From 1986 to 2003, the population fluctuated around a level that was approximately 1.1 percent above the 2003 population and had an average change of −2.53

percent per year. Populations in the mid to late 1970's were approximately 1.2 to 3.5 times higher than 2003 populations (Fig. 6.17). Populations in the late 1960's and late 1970's fluctuated widely (Fig. 6.17) and there is no way of assessing whether these were actual changes in the populations or artifacts of sampling effort. The population reached a low in the mid-1990's and has not changed substantially since that time.

• By 2000, monitoring efforts increased substantially when the average number of leks counted during 2000–03 increased by 146 percent over the average number of leks counted in 1995–99 (Table 6.8). Overall, the number of active leks monitored followed the same increasing pattern as total number of leks (Table 6.8).

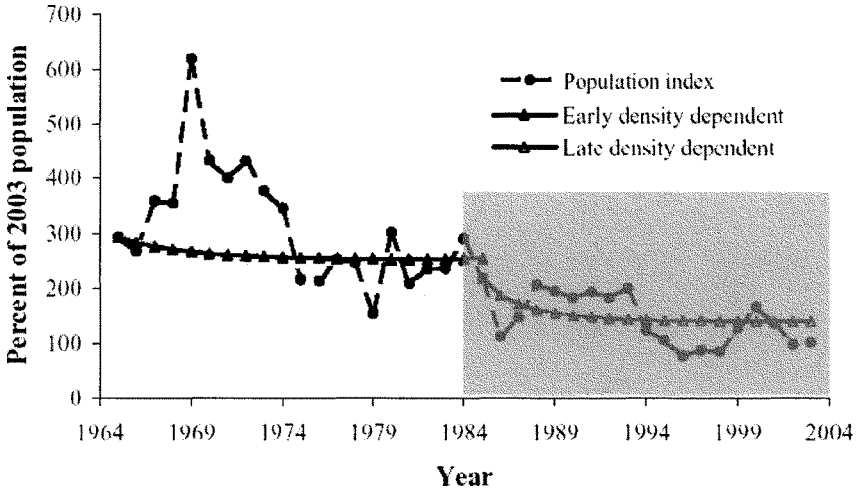


NORTH DAKOTA

• From 1986 to 2003, the population fluctuated around a level that was approximately 1.4 percent above the 2003 population and had an average change of −0.66 percent per year.

• The average number of leks counted per 5-year period increased by 42 percent from 1965 to 2003. Over these same 5-year periods, effective monitoring was relatively stable with an average of 14 to 21 active leks censused (Table 6.9).

• North Dakota did not employ a standard monitoring scheme of multiple counts spread over a four-six week period. Instead, all counts were conducted in about a 1-week period during mid-April and observers attempted to count all leks >2 times (Sith 2003). However, this approach was consistently applied over the last 40 years.

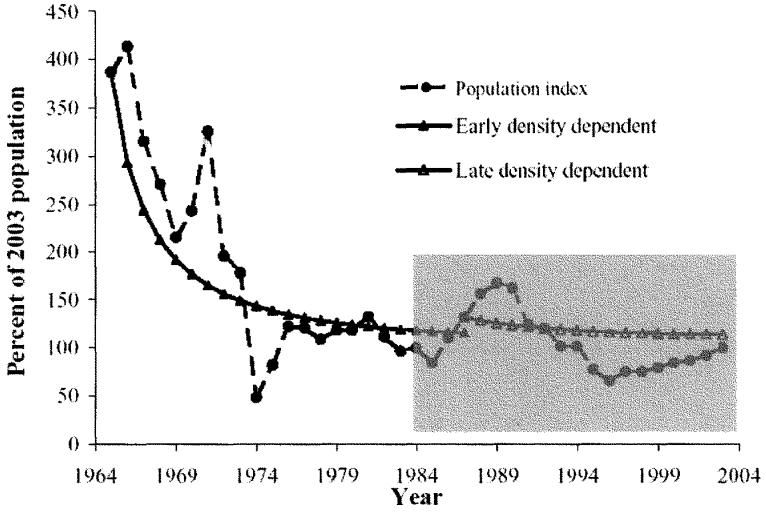


OREGON

• From 1986 to 2003, the population fluctuated around a level that was approximately 13 percent above the 2003 population and had an average change of 0.95 percent per year. Populations in the late 1960's and early 1970's were approximately two to two times higher than current populations (Fig. 6.23). The population reached lows in the mid 1970's and mid 1990's and then has increased somewhat since that time.

• Oregon has had a long-term extensive monitoring program for sage-grouse and has identified 377 leks in the state. The years 1965–2003 were used as the assessment period. The average number of leks counted per 5-year period increased by 750 percent from 1965 to 2003 (Table 6.10).

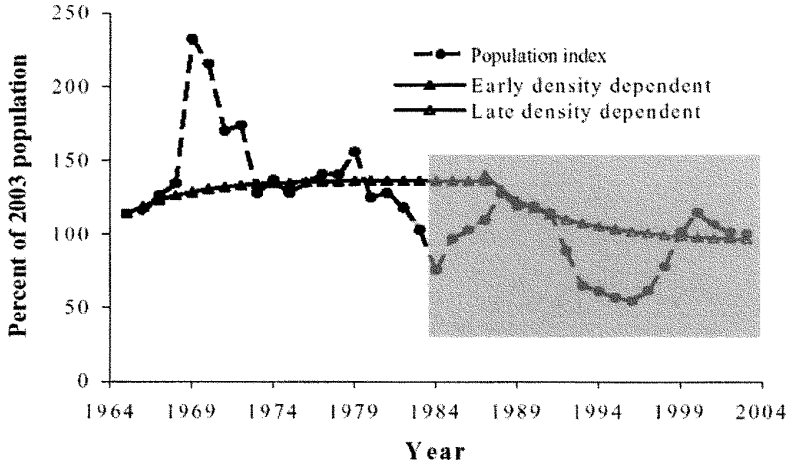
• However, recent brood survey data from Oregon indicates that average production from 1985 to 2003 has steadily increased (average = 1.55 chicks per hen), and indicates a 37 percent reduction in production from the long-term average.



UTAH

• From 1965–85, the population declined at an average rate of 0.83 percent and fluctuated around a level that was approximately 1.4 times higher than the 2003 population. From 1986 to 2003, the population fluctuated around a level that was approximately 5 percent below the 2003 population and increased at an average rate of 0.18 percent per year. Populations in the early 1970's were approximately two times higher than current populations (Fig. 6.30). The population reached a low in the mid-1990's and then has increased considerably since that time.

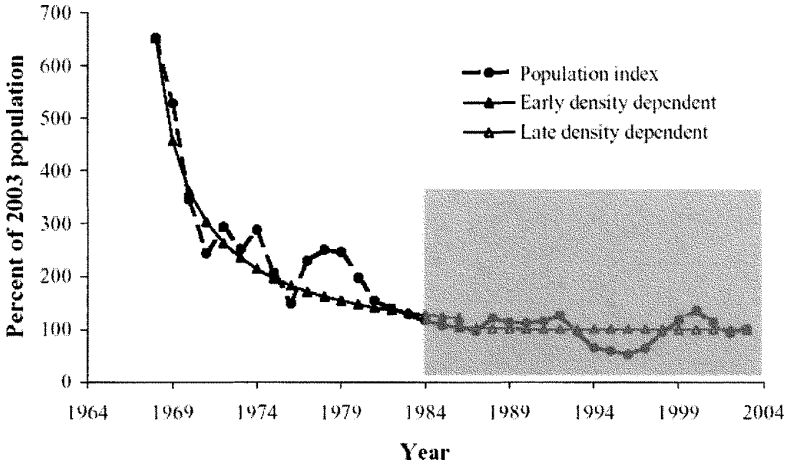
• Utah has had a long-term extensive monitoring program for sage-grouse and has identified 254 leks in the state. Although the average number of leks monitored in the 1970–75 period increased by >160 percent over the average number censused in 1965–70, we were still able to use 1965–2003 as our assessment period. The average number of leks counted per 5-year period increased by 289 percent from 1965–70 to 2000–03 (Table 6.13). The number of active leks monitored followed the same increasing pattern as total number of leks (Table 6.13).



WYOMING

• From 1968–86, the population declined at an average rate of 9.66 percent and fluctuated around a level that was approximately 19 percent below the 2003 population. From 1987 to 2003, the population fluctuated around a level that was approximately 2 percent below the 2003 population and had an average change of 0.33 percent per year. Lows were reached in the mid-1990's and there has been some gradual increase in numbers since that time.

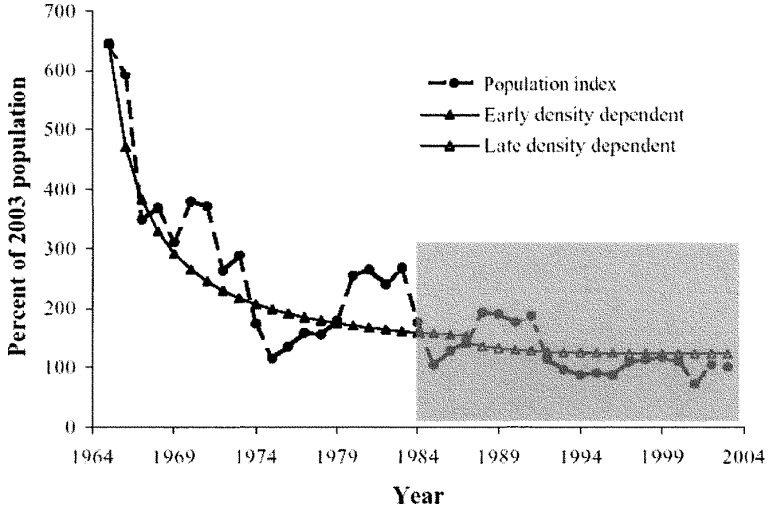
• The proportion of active leks remained relatively stable over the assessment period, ranging from 63 percent to 78 percent from 1965 to 2003 (Table 6.15).



WASHINGTON

• From 1965–85, the population declined at an average rate of 8.73 percent and fluctuated around a level that was approximately 1.4 times higher than the 2003 population. From 1986 to 2003, the population fluctuated around a level that was approximately 1.2 percent above the 2003 population and had an average change of −0.20 percent per year.

• Washington has identified 62 leks and has had a long-term monitoring program in place. Thus 1965–2003 was used as the assessment period. The average number of leks counted per 5-year period increased substantially over the assessment period (Table 6.14). In 1965–69, an average of three leks per year were censused but by 2000–03, an average of 47 leks per year were counted, an increase of >1400 percent. The average number of active leks counted per 5-year period also increased by >500 percent.



3. Federal Land Managers Are Already Strongly Involved in Sage-grouse Conservation Efforts

BLM, which manages approximately 52 percent of sagebrush habitat, has also been very active and has released a draft National Sage-grouse Habitat Conserva-

tion Strategy to serve as a framework to address the conservation of sage-grouse habitats on BLM-managed lands.

As noted recently by the WGA in its report to USFWS, the U.S. Department of Agriculture's (USDA) private-lands conservation programs provide many opportunities for accomplishing the goals developed for Sage-grouse conservation. The programs provide incentives for private landowners to develop or set aside lands that can be utilized to create or enhance Sage-grouse habitat. These programs include the Grassland Reserve Program (GRP), Conservation Reserve Program (CRP), Wildlife Habitat Incentives Program (WHIP), Environmental Quality Incentives Program (EQIP), Wetlands Reserve Program (WRP), and the Farmland Protection Program (FPP). In the West, CRP lands are locally important to Greater Sage-grouse and Sharp-Tailed Grouse conservation.

A variety of funding sources exist to implement the conservation efforts of the state and Federal Governments. BLM maintains a lengthy document on its Sage-grouse web pages entitled "Funding Availability for Partners in Sage-grouse Conservation Efforts." (see *http://www.blm.gov/nhp/spotlight/sage—grouse/Sage—Grouse—Funding—Availability—for—Partners.pdf).* This describes just some of the funding that may be available to protect Sage-grouse from such sources as USFWS, BLM, USDA, the Forest Service, Department of Defense, Department of Energy, State Fish and Game Agencies, and nongovernmental organizations.

In addition to partnering with government at various levels, Westerners including farmers, ranchers, miners, drillers and others who live and work on the land continue to fund ongoing research as well as conservation efforts. Without them, many of the studies, lek rehabilitation projects, lek mapping, disease control programs and other efforts critical to the sustainability of the Sage-grouse would end, imperiling the Sage-grouse and losing an opportunity to know vastly more about this hallmark of the West and the sagebrush sea it inhabits.

Existing Federal or regional conservation initiatives undertaken by BLM and other agencies which affect the Sage-grouse and sagebrush biome, as described in the BLM's Draft Sage-Grouse Conservation Strategy (BLM, 2003, pgs. 3 to 4) include:

Plant Conservation Alliance (PCA) (1994). PCA is a public/private partnership among 10 Federal agencies and more than 195 non-Federal cooperators. In complying with Congressional direction, the PCA (through BLM) is leading an interagency native plant material development program for use in restoration and rehabilitation efforts on Federal lands. Funds have been provided for the development of appropriate native plant materials within the sagebrush ecosystems (BLM, 2004a).

Great Basin Restoration Initiative (GBRI) (1999). The GBRI was initiated by the BLM in response to widespread habitat losses from wildfires and other causes in the Great Basin. Concern over the loss of Sage-grouse and other sagebrush dependent species' habitats was a significant and important factor that influenced how GBRI evolved. The BLM proposed Sage-grouse conservation strategy is consistent with and supports these efforts. The GBRI seeks to restore areas of high value, reduce the effects of invasive grasses and noxious weeds, and reverse the cycle of destructive wildland fires and weeds. The GBRI team provides technical assistance and meets about three times annually (BLM, 2004)

Sage-grouse and Sagebrush Habitat Conference (1999). Convened by BLM in Reno, Nevada in November 1999, the conference hosted 150 attendees. Representatives from states affected by a possible listing of the species under ESA shared information regarding possible cooperative conservation efforts among the states and Federal agencies (BLM, 2001).

Interagency Cooperative Agreement (2000). In July 2000, WAFWA completed a Memorandum of Understanding (MOU) between itself and the USFS, the USFWS and the BLM. This MOU established state wildlife agencies as the lead for state and local conservation planning efforts for sage-grouse. In July 2002, WAFWA approved a proposal to develop a range-wide Conservation Assessment (CA) for sage-grouse and sage-grouse habitat to be completed in 2004. It was intended that the CA would form the basis for development of future conservation measures.

Interagency Committee (2002). With increasing numbers of at-risk species in the West, the BLM, USFS, USFWS, and state wildlife agencies began addressing the need to coordinate more effectively for the conservation of at-risk species. In 2002, an interagency committee was formed to coordinate planning and restoration information for species within sagebrush ecosystems, including the sage-grouse, and develop or coordinate processes to integrate such information into Federal land management plans.

Development of Cooperative Habitat Assessment Procedures (2002). In 2002 the BLM, in cooperation with the USFS Pacific Northwest Research Station and the

USGS Biological Resources Division Snake River Field Station, developed science-based procedures that use existing information to conduct regional sagebrush habitat assessments for species of concern. Development of the procedures was completed in 2003 (Wisdom, et al, 2003). The procedures were used to develop the prototype Great Basin assessment. Information from that assessment will be used in support of sage-grouse conservation planning, in development of the CA, and the Great Basin Restoration Initiative. They will also be used to conduct, or support, prototype assessments for the other geographic regions.

Sagebrush And Grassland Ecosystem Map Assessment Project (SAGEMAP) (2003). The SAGEMAP project, conducted by the Snake River Field Station of the USGS Forest and Rangeland Ecosystem Science Center and cooperatively supported by numerous Federal and state agencies, universities, and organizations, is identifying and collecting spatial data layers needed for research and management of sage-grouse and shrub steppe systems. The datasets, which can be queried, viewed, and downloaded from the SAGEMAP FTP site, are important for understanding and management of shrub steppe lands and associated wildlife. The data can be used to identify factors causing the declines of wildlife and shrub steppe habitats.

BLM Draft National Sage-Grouse Conservation Strategy (2003). The plan includes goals to guide BLM's implementation of a national strategy for management of sage-grouse, including a consistent management framework to address sage-grouse conservation needs, increased understanding of sagebrush habitats, and the development of partnerships to enhance effective sage-grouse habitat management.

This rather lengthy list indicates that the sage-grouse already receives a significant amount of management attention from the Federal Government.

4. The Endangered Species Act is a Flawed Statute, Driven by a Flawed Petition Seeking A Listing for the Sage-grouse

The Partnership strongly believes that there are significant problems with the way the current statute addresses threatened and endangered species protection, and we hope to get into this important policy matter in more detail over the next several months. To take just one example: the scientific rigor employed by many Federal agencies in their decisionmaking, such as in EPA's FIFRA program, is simply not required under the ESA for the Fish & Wildlife Service.

Looking at the Greater Sage-grouse specifically, it is clear that there is a great cloud of professional skepticism surrounding the petition for listing the grouse under the ESA. An independent review of the listing petition conducted by the Petroleum Association of Wyoming found the petition is filled with "gross overstatements," "blatant speculation," "theoretical rambling," and "misstatement of fact." They concluded: "[Our] overall reaction to the petition is that the review of literature is not objective and so clearly is driven by an agenda that it damages the credibility of the entire document."

To review a summary of this critical analysis, go here: *http://www.partnershipforthewest.org/sage—grouse—science—critique.pdf*

III. CONCLUSION

It is our sincere hope that the USFWS allows state and local efforts to continue and does not list this species. We believe this outcome is the best outcome for the future of the Greater Sage-grouse. It also will encourage stakeholders—both public and private—to continue to engage in collaborative efforts on future conservation efforts.

In that regard, we want to offer our praise and thanks to the Chairman for his efforts and commitment to facilitate such a collaborative dialog. We look forward to engaging with him and others in those discussions. We hope, however, that this collaboration can occur in the absence of a Federal takeover of sage-grouse conservation via ESA.

Thank you very much, Members of the Subcommittee, for considering the views of the Partnership for the West.

INDIVIDUAL PARTNERSHIP MEMBERS WHO HAVE ENDORSED THIS TESTIMONY

American Gas Association
American Loggers Council
Arch Coal, Inc.
Associated Governments of Northwest Colorado
Berco Resources, LLC
Bill Barrett Corporation
BlueRibbon Coalition
Bob Balunda
CH 4 Energy
Colorado Rural Electric Assn.
Colorado Snowmobile Association
Colorado State Rep. Diane Hoppe
Colorado Timber Industry Association
David Haase
DDX Corp.

Devon Energy
EnCana Oil & Gas (USA) Inc.
EOG Resources
Evergreen Resources
Gerhard and Associates
Greenwood & Company
Harvard Petroleum Company, LLC
Helding Construction LLC
ICMJ's Prospecting and Mining Journal
Independent Petroleum Association of America
Independent Petroleum Association of Mountain States
Jackson County, Colorado
Julander Energy Company
Kennecott Energy Company
Kennedy Oil
Lance Oil & Gas
Lander County Public Lands Adv. Board
MDU Resources Group, Inc
Mountain States Lumber and Building Material Dealers Association
National Park Adventures
New Mexico Oil and Gas Association
North Dakota Farm Bureau
North Park Sage Grouse Working Group
Northwest Mining Association
Off-Road Business Association (ORBA)
Orion Energy Partners
Ozarks (MO) Chapter, Property Rights Congress
Peabody Energy Corp.
Ponderosa Resources Corp.
Resource Roundup
Southwest Chapter New Mexico People for the U.S.A.
Southwest Gas Corporation
Sunlight Massage/Bodyworks
Synergy Operating, LLC
The Paladin Group
Top of Utah Snowmobile Association
Twentymile Coal Company
United Four Wheel Drive Associations
Warrior's Society Mountain Bike Club
Washington County
Western Business Roundtable
Western Gas Resources
White Eagle Exploration, Inc.
Williams RMT
Williams RMT Production
Wyoming Ag-Business Association
Wyoming Mining Association
Wyoming Stock Growers Association

STATEMENT OF GARY BACK, PRINCIPAL ECOLOGIST, SRK CONSULTING AND NORTHEAST NEVADA STEWARDSHIP GROUP

INTRODUCTION

Mr. Chairman and Members of the Subcommittee, my name is Gary Back and I am representing the Northeastern Nevada Stewardship Group, Inc. (Stewardship Group). On behalf of the Stewardship Group, I want to thank the Environment and Public Works Subcommittee on Fish, Wildlife, and Water for providing the Stewardship Group an opportunity to testify at this hearing. As a representative of one of the many volunteer local area planning groups involved in Sage-grouse conservation, we welcome this opportunity to provide you with information that will help sustain these local efforts. I especially want to thank Senator Reid and his staff for their assistance.

The Nevada State motto is "Battle Born" in reference to statehood being granted during the Civil War conflict. Similarly, the Stewardship Group was born out of conflict; conflict surrounding public land issues in the West. As the level of conflict elevated, a private citizen (Leta Collord) and a Bureau of Land Management (BLM) Field Office Manager (Helen Hankins) agreed that there had to be a better way to not only resolve the conflicts, but also to improve stewardship of the land. The two agreed that the BLM Partnership Series was worth trying in this arena of conflict. The Partnership Series is a series of training modules in community-based collaboration or consensus building. This training helps individuals, groups, organizations, and agencies with diverse backgrounds and viewpoints to focus on their common values, and to use these diverse viewpoints to develop plans and actions that can achieve those values on the landscape, community, or economy.

In September 1998, the BLM Elko Field Office and several local mining companies sponsored a three-day workshop on the collaborative process that was followed a month later by a meeting of the trainees to determine if the were interested in putting the training into practice and forming a community-based stewardship group. The group agreed to give this a try, and the Northeastern Nevada Stewardship Group, Inc. was formed. Over the next several meetings, the Stewardship Group developed a mission statement, a copy of which is included as Attachment A. This mission statement can be paraphrased as: "The solution has to work for all of us, or it works for none of us". We believe it is imperative to conserve the natural resources of our region without losing our heritage and culture, while maintaining our local economy.

The Stewardship Group also recognized that to maintain credibility with the public and the land management agencies, the work had to be science-based. To this

end, the Stewardship Group has sponsored one or two science symposia each year since 1999. The intent of the symposia has been to provide members and the public an opportunity to interact with scientists specializing in various topics related to the issues we were undertaking, and to educate ourselves about the processes that occur on the landscape. Examples of the symposia include:

- National Environmental Policy Act Workshop, 1999;
- Great Basin Rangelands Science Symposium, 1999;
- Sagebrush Symposium, 2000;
- Fire Ecology and Revegetation Symposium, 2001;
- Restoration and Management of Sagebrush/Grass Communities Workshop, 2002;
- History of Rangeland Monitoring, 2003;
- Sage-grouse Ecology and Management of Northern Sagebrush Steppe, 2003; and
- Mining and the Community A Partnership (Sustainability Workshop), 2003.

These symposia and workshops provided a forum to discuss the various issues, dispel myths, and move the group to a common understanding. This was an essential part of the process.

COLLABORATION AND SAGE-GROUSE CONSERVATION PLANNING

The Stewardship Group decided to focus on emerging issues; to work on the issues before they became embroiled in heated public debate. In 1999 there were suggestions that environmentalists were preparing to petition the U.S. Fish and Wildlife Service to list the Greater Sage-grouse (Centrocercus urophasianus) as threatened and endangered under the Endangered Species Act of 1973 (as amended). Because this issue had the potential to affect land users of every persuasion, and therefore, the potential to bring diverse viewpoints to the table to resolve the issue, Sage-grouse conservation was selected as the issue for the Stewardship Group to implement the collaborative process. This was a new issue and hard-line positions had not yet developed. The potential existed for a successful collaborative effort and the citizens worked to resolve differences for the common good.

The Stewardship Group incorporated community values into the development of this strategy, a strategy developed to provide for the natural resources within the county, as well as to provide for the well being of the people, continuance of the land uses, and maintenance of the cultures of Elko County. The Stewardship Group quickly realized that the Sage-grouse was an indicator species of ecosystem health. Because of the variety of plant community types (i.e., habitats) needed by Sage-grouse for breeding, nesting, brood-rearing, and wintering, the goal of managing Sage-grouse habitats for an optimal balance of shrubs, forbs, and grasses at community and landscape scales should be analogous with restoring and/or maintaining form, function, and process in the sagebrush ecosystem. Consequently, the focus of the effort changed from a single-species conservation plan to an ecosystem conservation strategy.

The emphasis on Sage-grouse has not been lost in the process. Throughout the process, sagebrush obligate species, special status species (both plants and animals), and other unique land features (e.g., aspen stands, sub-alpine forests, etc.) were be considered with the intent on maintaining the diversity of communities on the landscape. Sage-grouse have been the impetus for this conservation effort, but should be viewed as the "means" not the "ends"; by understanding the ecology of this species and the ecology of the sagebrush plant community on which it depends, some of the general concepts for ecosystem management can be developed. The "ends" is to achieve properly functioning ecosystems that allow for sustainability of the resources and the sustainability of the land uses that depend on those resources.

During this time, Nevada Governor Kenny Guinn convened a statewide Sage-grouse Conservation Team. The Stewardship Group was invited to participate in this statewide effort. The result has been a Nevada and Eastern California Sage-grouse Conservation Plan (State Plan). The Stewardship Group's Elko County Sagebrush Ecosystem Conservation Strategy (Strategy) has been incorporated into this State Plan. The Stewardship Group's Strategy is a watershed-based, ecosystem conservation strategy and the State Plan is primarily focused on Sage-grouse conservation. While the two planning efforts share common goals and considerable overlap in process, they remain separate approaches. The end result is that the NNSG has incorporated some of the statewide strategy for Sage-grouse conservation, but will implement Sage-grouse conservation through watershed/ecosystem management.

The Strategy and the State Plan identify some common goals. The goal of the Strategy is to:

Manage watersheds, basins, and sub basins in a manner that restores or enhances (as appropriate) the ecological processes necessary to maintain proper functioning ecosystems, inclusive of Sage-grouse.

The objectives of the Strategy are to:

Implement a watershed analysis process on the watersheds within the planning area by initiating the assessment of three watersheds each year; and

Develop a watershed plan for each watershed within one and one-half years following the initiation of the process.

The Strategy also includes goals specific to various resources (e.g., Sage-grouse, vegetation, special status species, livestock, recreation, mining, and fuels management). However, these goals are general goals that can be refined at the watershed management unit level.

The first goal of the State Plan is to:

Create healthy, self-sustaining Sage-grouse populations well distributed throughout the species' historic range by maintaining and restoring ecologically diverse, sustainable, and contiguous sagebrush ecosystems and by implementing scientifically-sound management practices.

The watershed assessment will follow range, watershed, riparian, and Sage-grouse habitat evaluation processes developed by the BLM, U.S. Geological Survey, NRCS, Agricultural Research Service, USFS, Environmental Protection Agency, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, National Park Service, the Bureau of Indian Affairs, and the Western Association of Fish and Wildlife Agencies. The use of existing methodology provides acceptance by the land management agencies and allows coordination with existing data bases.

The watershed management plans will include actions and management strategies that address the specific land health and Sage-grouse habitat issues identified in the watershed assessment. Once completed, the individual projects, groups of inter-related projects, or the entire watershed plan will be subject to National Environmental Policy Act (NEPA) analysis to determine the impacts of such actions on the critical elements of the human environment, as well as the cumulative impacts of such actions.

The Strategy identifies several management strategies that are likely to be incorporated into the watershed management plans on a site-specific basis. As other issues are identified in the watershed assessment process, additional management strategies will be developed.

Monitoring at the watershed plan-level, at the individual watershed project-level, and at the on-the-ground resources-level, will be part of the watershed management process. For each monitoring level, the responsibility for conducting the monitoring, the variable(s) to be monitored, the frequency at which monitoring is to occur, and the manner in which the monitoring will be reported will be specified. The variables to be monitored will be directly related to the goals and objectives of the watershed plan, the project, and the resources to be affected by the project.

The feedback provided by the monitoring with respect to the objectives will provide the basis for implementing adaptive management strategies. If objectives are being achieved, then the type of action implemented will continue. If objectives are not being achieved, then the hypothesis on which the objective is based, the practice that was implemented, the conditions under which it was implemented, the variables being monitored, and monitoring methodology will all be re-evaluated to determine where changes need to be instituted. The Stewardship Group has been working closely with the University of Nevada-Reno on developing the adaptive management process for the watershed management plans.

This Strategy is the process for identifying the site-specific issues, developing watershed-specific management/conservation plans, proposing and implementing site-specific actions, determining the appropriate monitoring of these actions, and implementing adaptive management concepts to the entire process. The Strategy includes an assessment of the planning area that consists of a summary of Sage-grouse biology and ecology, a description of sagebrush ecology, a list of factors that affect Sage-grouse and Sage-grouse habitats, and a historical perspective of the landscape changes and Sage-grouse populations. The on-the-ground watershed assessment will examine the functionality of the watershed processes, such as water, nutrient, and energy cycling.

The condition of the vegetation with respect to Sage-grouse habitat requirements was also evaluated using soil mapping provided by the Natural Resource Conservation Service (NRCS), various vegetation mapping efforts provided by the Elko Field Office, BLM, allotment evaluation data from BLM and U.S. Forest Service, Humboldt-Toiyabe National Forest (USFS), and field experience of the members of the team. The evaluation generally followed the protocols developed in Idaho and included five habitat categories:

• R–0: Habitat areas with desired species composition that have sufficient, but not excessive, sagebrush canopy and sufficient grasses and forbs in the understory to provide adequate cover and forage to meet the seasonal needs of Sage-grouse (4,805,000 acres);
• R–1: Habitat areas which currently lack sufficient sagebrush and are currently dominated by perennial grasses and forbs, yet have the potential to produce sagebrush plant communities with good understory composition of desired grasses and forbs (1,170,000 acres);
• R–2: Existing sagebrush habitat areas with insufficient desired grasses and forbs in the understory to meet seasonal needs of Sage-grouse (2,018,000 acres);
• R–3: Sagebrush habitat areas where pinyon-juniper encroachment has affected the potential to produce sagebrush plant communities that provide adequate cover and forage to meet the seasonal needs of Sage-grouse (354,000 acres); and
• R–4: Habitat areas which have the potential to produce sagebrush plant communities but are currently dominated by annual grasses, annual forbs, or bare ground (251,573 acres).

The remaining 1,626,000 acres of the planning area were identified as non-Sage-grouse habitats (forests, urban areas, salt-desert shrub, etc.).

This breakdown indicated that although Elko County has considerable acreage of intact Sage-grouse habitat (R–0 acreage), there are almost 4 million acres of habitats that are currently not supporting Sage-grouse that are capable of providing Sage-grouse habitat if management actions are implemented. The potential habitat on which sagebrush can be readily established and sagebrush habitat that is in poor condition (R–1 and R–2 acreage, respectively), and the areas formerly occupied by sagebrush but now occupied by pinyon-juniper and cheatgrass (R–3 and R–4 acreage, respectively) account for 44 percent of the acreage (3,793,000 acres) within the planning area. These habitat condition categories that represent risks to Sage-grouse also represent acreage that is not functioning in terms of watershed values. Consequently, the issues of habitat quantity and habitat quality were identified as major issues to be addressed and are directly linked to watershed health.

WHAT IS NEEDED TO CONTINUE DEVELOPING AND IMPROVING OUR CONSERVATION EFFORTS

Recognition of the local conservation planning groups

The collaborative process is not a process that moves quickly. Building trust amongst the diverse viewpoints at the table requires time. Recognition of these efforts occurs at two levels. The first is recognition of the groups as a means of getting local input into the decision-making process. These are about a place-based, community-based, and in fact, community-led process for stewarding landscapes, watersheds, and ecosystems. These groups embody the Western Governors Association concept of "en libra", of local solutions to national and regional issues. This is recognition on a functional level.

The second level is that of providing standing. These groups must be recognized as having the standing necessary to influence resolution of the regional and national issues at the local level. For example, the Endangered Species Act is a federal law which applies across the country, but implementation of recovery actions should be conducted through collaboration at the local level where recovery actions impact local economies and culture, and where local knowledge can be added to the equation to resolve the issue. Groups that follow the principles of collaboration and community-based stewardship should be recognized as important components of the natural resource issue-solving process.

Give the Local Conservation Planning Process a Chance

Most of the local conservation working groups have just begun their work. Others that have been working for several years are just getting the implementation phase started. These groups need an opportunity to implement their plans and to evaluate the success or failure of their efforts. While many of these efforts were initiated to eliminate the need to list Sage-grouse as threatened or endangered under the ESA, it is too early to know if these efforts will have significant impact on Sage-grouse conservation. However, it is likely that a listing of the species will have significant impact on the local, voluntary conservation effort and will remove some of the tools from the conservation tool box. The current conservation effort for this species over eleven western states and being conducted by approximately 70 local conservation working groups represents a new process for addressing species conservation. The "ownership" of the issue as demonstrated by the local conservation working groups is a significant step in cooperation among the stakeholders and the regulators. This process deserves a chance to demonstrate its merit.

Start up funding

The Stewardship Group was fortunate to be in an area with mining, ranching, and business community, as well as federal and state agencies, that were willing to provide the initial support. The mining, ranching, and business community provided initial funding for postage, supplies, symposia, demonstration projects, meeting facilitator, etc. The BLM and USFS also provided funding and facilities, and the Stewardship applied for and received several grants. Other state and federal agencies have also contributed in kind services. However, not all groups that have started or that will start in the future will have the same resources available. A funding mechanism to provide at least two years support for administrative needs could make a significant difference in the success or failure of these groups.

This is probably best set up as a grant process whereby the local groups apply for available funds and whereby the success rate of groups can be tracked. This will also allow some follow-up to determine what commonalities occur among the successful groups, as well as the characteristics of the unsuccessful groups.

Continued and increased funding for existing programs

There are already several mechanisms for funding in place; therefore, it is imperative that funding continue to be appropriated to these programs, and as the demand increases, that the funding level for these programs is also increased. Some examples of existing programs:

1. *BLM Partnership Series*—this training program has been in existence and ongoing development for several years and the Stewardship Group, as one of the groups whose success is largely based on the initial and follow-up training through the Partnership Series, is highly supportive of this program. This program uses the cultural setting that defines the interrelationship of people to the land as the basis for landscape or watershed or ecosystem management, and as the basis for applying science to the management process.

2. *Farm Security and Rural Investment Act of 2002 (Farm bill)*—this bill has several programs that are directly related to landscape management. The funds are primarily intended for private lands, and in Nevada and other western states where much of the private lands was a result of the Homestead Act, these private lands are often the most productive lands because they include most of the springs, streams, and riparian zones. These areas are important seasonal habitats for a variety of wildlife species, including Sage-grouse. Therefore, funding to provide incentives for sustained stewardship of these lands is critical. Some of the programs with direct application to either Sage-grouse conservation (habitat improvement) or watershed management include:

- Wildlife Habitat Incentives Program (WHIP)—this program is administered by the Natural Resources Conservation Service (NRCS) which works with private landowners and operators, conservation districts, Federal, State, and Tribal agencies to develop wildlife habitat on their property. Funds from this program have been used to enhance habitats for Sage-grouse.
- Environmental Quality Incentives Program (EQIP)—is a voluntary program that provides assistance to ranchers who face threats to soil, water, air, and related natural resources on their lands. One of the national priorities for this program is to promote at-risk species habitat conservation. These funds could be applied to cheatgrass-dominated areas or areas dominated by pinyon-juniper for restoration of these lands to sagebrush-grasslands.
- Conservation Technical Assistance (CTA)—this program provides voluntary technical assistance to land-users, communities, units of state and local government, and other Federal agencies in planning and implementing conservation systems. The assistance is for planning and implementing conservation practices that address natural resource issues. This program is currently under funded for the demand.
- Conservation Security Program (CSP)—this program supports ongoing stewardship of private agricultural lands by providing payments for maintaining and enhancing natural resources. This is a watershed-based program which fits well with the watershed approach being used by the Stewardship Group.
- Emergency Watershed Program (EWP)—this program provides funding to project sponsors for restoring vegetation and stabilizing river banks; restoration of natural functions of a watershed. This program is currently under funded for the demand.

3. *Clean Water Act (CWA) Section 319(h)*—provides grants to states to implement Nonpoint Source Pollution Management Programs. CWA Section 319(h) grants are available for projects aimed at reducing, controlling, and preventing nonpoint source pollution, such as sedimentation, with the ultimate goal of improving water quality.

These projects often use the watershed management approach. These programs can be used for implement best management practices to reduce nonpoint source pollution. Comprehensive watershed projects are eligible for funding. The Stewardship Group views this funding as an essential part of our ability to acquire funds for the watershed planning and project implementation for projects that have direct bearing on water quality.

4. *National Fire Plan*—this plan and associated funding provides for a variety of management actions that when effectively incorporated into a watershed plan can be used to reduce fuel loading (to reduce the risk and intensity of wildfires), and in the process improve habitat for Sage-grouse and other wildlife species and increase forage for livestock by changing the ratio woody biomass to herbaceous biomass on the landscape. These practices can be used to create mosaics of different aged stands of sagebrush (i.e., different Sage-grouse seasonal habitats) on the landscape while reducing the risk of catastrophic wildfire. Similarly, dense stands of pinyon-juniper woodlands can be managed under this program to restore sagebrush plant communities to historic sites. These actions also have direct benefits to the watershed. This type of multi-faceted project increases the cost-benefit over single-faceted projects.

Sustainable funding for watershed coordinator

The priority need for the Northeastern Nevada Stewardship Group, Inc. is funding for a full-time watershed coordinator. We have managed to complete the initial Strategy planning document using volunteer efforts and small grants. However, as the watershed assessment process for over 10.5 million acres is initiated, the need for a coordinator is paramount. This is not a task that can be done appropriately on spare time. Coordination with the public land management agencies, state agencies, private landowners, and stakeholders alone is more than the volunteer effort can accomplish and the actual coordination of assessment data collection and data analysis dictates that a full-time position be funded.

Development or application of new technology

The Stewardship Group is pursuing the application of new technology developed in part by the Agricultural Resources Service (USDA). This technology is a combination of digital imagery to conduct vegetation cover sampling and the use of software to interpret the digital imagery. This technology will allow the Stewardship Group to quickly and cost-effectively assess the plant communities within the watershed and asses the availability of various seasonal habitats and areas in need of restoration. This technology appears to be able to reduce initial field work by thousands of man-hours. The Stewardship Group is seeking the opportunity to use this technology for assessment and long-term monitoring of upland vegetation as well as riparian systems. The Stewardship Group is currently seeking grant money to implement this assessment technology. A federal program to encourage the development and transfer of technology for conservation planning would greatly benefit the conservation effort.

Support for an investigation into commercial uses of pinyon pine and juniper

The expansion of pinyon-juniper woodlands into sagebrush range sites is a common threat to Sage-grouse over much of the West. In the past, the woodlands have been removed by chaining[1] or other mechanical methods that leave the biomass on site to slowly decay. This is a costly technique and is not likely to be used at the scale necessary to restore significant areas of Sage-grouse habitat. There are preliminary indications that the fiber from these trees can be used in a number of wood products, including flooring, woodstove pellets, as briquettes to be added to coal-fired power plants (increases efficiency and reduces emissions). Funding for a land grant university with a wood products lab to determine the feasibility of such an industry would change the treatment of pinyon-juniper from a cost incurring process to a local wage producing industry. This type of industry could be an economic life saver for many of the rural communities of Nevada, Oregon, Utah, and Wyoming.

SUMMARY

The overriding goal for the Stewardship Group is to restore functionality to the watersheds in our planning area, and by doing so, maintain the economic viability of our existing land-based industries and develop opportunities for new land- and resource-based industries as a means of economic development and rural community sustainability. We believe that those that are closest to the land can make the best

[1] Chaining involves connecting a ship's anchor chain to two bulldozers and having the bulldozers drag the chain across the landscape, uprooting or breaking the trees.

decisions for how the land can be managed to meet national, regional, and local resource and economic objectives. We believe that the place-based or community-based stewardship is necessary to reduce conflict and provide sustainability. We also believe that watershed management or ecosystem management is the most comprehensive and viable means for achieving the land values that are important to the community. The watershed, as a well-defined, functioning unit, must have all processes functioning to provide long-term sustainability, as well as ecosystem resiliency.

On behalf of the Northeastern Nevada Stewardship Group, Inc. and other local conservation planning groups, I thank you for this opportunity to testify before the Subcommittee on Fish, Wildlife, and Water.

ATTACHMENT A—NORTHEASTERN NEVADA STEWARDSHIP GROUP, INC.'S MISSION STATEMENT

As the Northeastern Nevada Stewardship Group, Inc. We appreciate:
Opportunities which allow us to live and work in Northeast Nevada;
Natural resources which enable local prosperity;
Productive ecosystems which provide healthy natural environments and quality lifestyles;
And our western heritage, culture, and customs.
Therefore,
In order to ensure a better future for our families, community, and future generations
To build trust among our diverse citizenry,
And to ensure sustainable resource use,
We join together as full partners
To provide a collaborative forum for all willing participants.
We are dedicated to the dynamic and science-based resolution
Of important issues related to: resource stewardship,
And informed management of our public lands,
And positive socio-economic outcomes.
(Adopted February, 1999)

RESPONSES BY GARY BACK TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Question 1. What we are considering in the Outline specifically involves the kind of recognition for local groups that you suggest. We can do this under the Federal Advisory Committee Act (FACA), which is a formal process. Are you familiar with that process, do you think it would help, or are there other ways to recognize local groups that you have in mind?

Response. I have reviewed Public Law 92-463, Federal Advisory Committee Act (Act), and the type of advisory board that can be created under the Act is an appropriate means of initiating technical deliberations among state and federal agencies and non-federal partners on management actions.

Currently, the local working groups are not organized in any manner that allows effective communication among groups and no one group could adequately represent the other local working groups. While the various western states are focal points or are working to become focal points for the local working groups, the states cannot and should not represent the local working groups. Having 70 or more local working groups as members of any advisory committee is not feasible. Therefore, there are at least two processes that can provide for local working group representation and input into any formal advisory committee:

1. Solicit ideas and successful case studies from the local working groups as a regular agenda item for the advisory committee meetings. A representative of the local working group which has been involved in the project or development of a management practice could be invited to make a brief presentation.

2. Have a local working group representative as a standing member of the advisory committee. This would be an individual or organization with non-federal and non-state employment status that can represent the various local groups and is in contact with the local working groups. This individual or organization would be in regular contact with the local working groups to identify the various successes, failures, strategies, and technology for sage grouse habitat and/or population management.

In reviewing the outline of ideas for sustaining sage grouse conservation, drafted by the staff of the Subcommittee on Fisheries, Wildlife, and Water, the participants that have been identified to date (i.e., energy, environmental, ranching, state wild-

life management agencies, and sportsmen's groups) certainly represent those that are likely to be impacted by sage grouse management. As indicated under "Policy objectives for discussion," item II., these partners will begin to "negotiate stipulations, restrictions, and mitigation on federal land to preserve a base of remaining breeding and winter habitats." I can only speak for the local group to which I belong, but our perspective has been to determine how the landscape needs to be managed first, and then look to stipulations, restrictions, and mitigation as last resort steps. This is why it is important to have the local working group representation. Our group is focused on making a better pie, rather than trying to determine how to slice the pie into more pieces and to determine who should get what size piece. Our focus is based on the recognition that the western rangelands are not functioning near their potential, thus the pie has shrunk in size over time and our priority is to increase the functionality of the systems. From what we have been able to project, once we are close to potential, dividing the pie becomes unnecessary. Therefore, I would recommend that the policy objectives for discussion should include systems analysis, specifically ecosystem analysis, as a solution to the confrontational issues that develop out of Endangered Species Act, single-species management policy (recovery plans).

Question 2. You have firsthand insight into the challenge for working people who want to join a volunteer group such as a sage grouse working group. In addition to recognition and money, can you suggest what might be needed to provide encouragement to people who have worked hard already and who see that there is a long road ahead?

Response. The two most important incentives that apply to most individuals are self-determination and opportunity for improvement of their cultural, social, or economic situation. True collaboration addresses the incentive of self-determination. By being part of a group that is working to resolve issues, not through negotiation or by vote, but through consensus allows the individuals in the group to keep the process going until the group has developed a solution that works for everyone, that addresses the values of all who are in the group. For the Northeastern Nevada Stewardship Group, Inc. the issue that brought everyone to the table was the potential listing of sage grouse under the Endangered Species Act, and how that listing would impact their livelihoods, recreational pursuits, etc. While it is easy to identify risks to sage grouse and their habitat, and then develop management schemes that eliminate the risks, this becomes very contentious when the risks are identified as grazing, energy development, certain types of recreation, etc. However, when we worked through the risks to understand how the ecosystems work, we found that a functioning system was better for the livestock operator as well as for sage grouse; we found that a functioning system was better for energy development and transmission than a non-functioning or under-functioning ecosystem; and we found that a functioning ecosystem is resilient. A resilient system allows for a certain level of impact, such as the development of mineral deposits or energy reserves, because other parts of the system can provide for sage grouse while the impact takes place. Once the impact is removed and the land reclaimed, the system begins to function again. As mitigation for the short-term impact, the entity creating the impact can contribute to projects that restore rangeland health.

The opportunity for improvement of an individual's or community's cultural, social, or economic situation is a strong incentive. Many rural western communities have limited opportunities for economic development; therefore, sustainability of the existing ranching, mining, tourism, energy, and agricultural industries is important. For the operation of the Northeastern Nevada Stewardship Group, Inc. we had the constraint that our solutions had to have positive socio-economic outcomes. For example, that signaled our ranching community that we were not going to use livestock grazing as the scapegoat for the current sage grouse issue and that we were not going to improve the situation for sage grouse at the expense of the livestock operator. As a result, we had tremendous participation by the ranching community, and we had better opportunity to develop solutions that were acceptable to the ranching community because of their input. This approach is so much more palatable to those who live and work in the community than having solutions developed in a vacuum and imposed on the community. When these solutions include not only benefits to the sage grouse, but can truly improve rangeland health, then those who depend on the range stand to benefit as well. Thus we can retain our western heritage and culture, improve our economic condition, and improve the social aspect of our community. I truly cannot think of any more powerful incentives than self-determination and improvement of cultural, social, and economic conditions.

Question 3. What would be the most effective way to include the ideas of local working groups in the effort envisioned by the Subcommittee Outline?

Response. As stated above, the 70+ local planning groups are not organized and having the local groups included in the effort envisioned by the Subcommittee Outline is truly a conundrum. However, I had a discussion with Mr. Mike Brubaker, Executive Director/CEO of Council for US Landcare Initiative, Inc. last week and due to there mission to rally broad public participation in a conservation and environmental framework, I thought the Landcare organization would be a good representation for local working groups. I would suggest that you visit the Landcare website (*www.landcareus.org*) and contact Mr. Brubaker directly at 717–627–1043, or *mbrubaker@landcareus.org*, or at Council for US Landcare Initiative, Inc., 29 Ridge Road, Lititz, PA 17543. Landcare is relatively new in the United States, but it is likely that they will eventually be working with many of the local working groups and at the moment, this appears to be the best means of getting local group representation in the partnership as outlined by the Subcommittee.

STATEMENT OF JOHN O'KEEFFE, NATIONAL CATTLEMEN'S BEEF ASSOCIATION AND THE PUBLIC LANDS COUNCIL

Good morning, Chairman Crapo and Distinguished Members of this Subcommittee, my name is John O'Keeffe. I am here to testify about the sage grouse on behalf of the Public Lands Council and the National Cattlemen's Beef Association. I serve as the Chairman of the Public Land Committee for the Oregon Cattleman's Association, the Vice Chair of the Federal Lands Committee of the National Cattlemen's Beef Association (NCBA), Oregon's Director to the Public Lands Council (PLC), and Chair the Public Lands Councils' West-wide task force on Sage Grouse. I also represent private landowners on Oregon's Sage-grouse and Sage brush habitat working group.

The Public Lands Council (PLC) represents sheep and cattle ranchers in 15 western states whose livelihood and families have depended on Federal grazing permits dating back to the beginning of last century. The National Cattlemen's Beef Association (NCBA) is the trade association of America's cattle farmers and ranchers, and the marketing organization for the largest segment of the nation's food and fiber industry. Both PLC and the NCBA strive to create a stable regulatory environment in which our members can thrive.

Ranching out west has been part of the landscape, the economy, and the culture for approximately three centuries. About 214 of the 262 million acres managed by BLM are classified as "rangelands," as are 76 million of the 191 million acres managed by the Forest Service. More than 23,000 permittees, their families, and their employees manage livestock to harvest the annually renewed grass resource grown on this land. Western ranching operations provide important additional benefits to the Nation by helping to preserve open space and reliable waters for wildlife, by serving as recharge areas for groundwater, and by supporting the economic infrastructure for rural communities. Our policy is to support the multiple use and sustained yield of the resources and services from our public lands which we firmly believe brings the greatest benefit to the largest number of Americans.

My family has been ranching in the Warner valley of southeast Oregon since the early 1900's. I am the third generation to ranch there. Part of the fourth generation is attending his first week of college classes as I address this Subcommittee. It is my sincere wish that my family can continue to ranch in the Warner valley far out into the future. That is why I became involved in the Associations that represent the livestock grazing industry.

I believe that ranchers are natural stewards of the land. Government incentive programs can help us do our jobs. At this time I have a Landowner Incentive Program (LIP) Grant proposal being reviewed that would do juniper control and meadow enhancement on 2500 acres of brood rearing habitat that the O'Keeffe Ranch owns adjacent to Sagehen Butte in Lake County, Oregon. The LIP program uses U.S. Fish and Wildlife Service dollars funneled through local wildlife agencies to do on the ground conservation projects.

I appreciate the opportunity to be here today to provide some of my experience with sage grouse and public lands grazing to the Committee on behalf of the sheep and cattle rancher members of the Public Lands Council and the National Cattlemen's Beef Association.

SAGE GROUSE

Environmental groups have filed petitions with the U.S. Fish and Wildlife Service (FWS) seeking to have the sage grouse listed as a threatened or endangered species under the Endangered Species Act (ESA). The Service is currently in the midst of a 12-month status review under which is considering whether the available informa-

tion warrants listing the bird. A listing decision is expected around the end of the current calendar year.

A principal source of information to be considered by the Service is a conservation assessment of the status of the sage grouse and its habitat by the Western Association of Fish and Wildlife Agencies (WAFWA). The assessment concludes that sage grouse population numbers have "tended to stabilize" since the mid-1980's. ES–4. In many areas numbers increased between 1995 and 2003, even though there continues to be a decline in numbers in other areas. *Id.* Sage grouse continue to occupy 668,412 km^2 of habitat, down from a pre-settlement area of 1,200,483 km^2. ES–4. A total of 50,566 male sage grouse were counted on leks throughout western North America. *Id.*

PLC and NCBA recognize that the decline in numbers of sage grouse has led some members of society to become concerned about the long-term viability of the bird. Nevertheless, we believe the WAFWA report supports a conclusion that listing the sage grouse under the ESA is not warranted at this time. The legal issue for listing under the Act is whether a bird is threatened or endangered. A principal criteria for addressing the issue is the extent to which habitat has disappeared. While the numbers of the bird have declined, a substantial population remains. These birds continue to occupy a significant range of habitat. Those who cite the decline in numbers or habitat as evidence of the need to list the bird fail to acknowledge that substantial numbers and habitat remains. The evidence does not support the need to list the bird at this time.

Moreover, there is a reasonable basis to believe that sage grouse numbers and habitat will continue to be stable or even improve because of the unprecedented conservation effort underway. The Bureau of Land Management (BLM) manages more than 50 percent of sage grouse habitat in the United States. The Bureau has collected information on the extensive effort it has already undertaken to conserve sage grouse habitat, and on additional steps it intends to take for this purpose. Each state with habitat has initiated habitat-wide planning efforts involving local working groups composed of stakeholders in the welfare of the species. The Western Governor's Association has collected information on the conservation effort currently occurring on private lands. The Natural Resource Conservation Service (NRCS) has committed to spending a significant amount of its program dollars on habitat restoration and conservation on private lands. The Senate has stepped up and directed NRCS to make $5 million available for habitat conservation in the next fiscal year. There is no need to fear the imminent demise of the bird under these circumstances.

There is further reason to believe the bird may be safe. The best research shows that sage brush vegetation communities can be treated to produce the right mix of plant types needed to support viable populations. The efforts of BLM, NRCS, and private stakeholders to restore and conserve habitat can potentially make a positive difference. Additionally, PLC and NCBA members have shown their willingness to support the conservation effort by identifying grazing practices that are compatible with sage grouse habitat and transmitting these practices to the Department of the Interior.

In the face of these conservation efforts, FWS would send a powerful signal to society that conservation efforts do not pay off and so there is no reason to try should the Service decide to list the bird at the end of the status review or decide that listing is warranted but precluded at that time. Such a result would be particularly difficult for the grazing industry to accept at a time when sage grouse population numbers are viable (even if less desirable than some would prefer), and in the absence of compelling information showing that grazing practices are correlated to degradation of sage grouse habitat. The WAFWA report states:

> "[n]umbers used by agencies . . . do not provide the information on management regime, habitat condition, or kind of livestock that can be used to assess the direct effects of livestock grazing on large regional scales. Indices of seral stage used to relate current conditions to potential climax vegetation may not correlate with current understanding of the state-and-transition dynamics of sagebrush habitats. Over half of the public lands have not been surveyed relative to standards and guidelines established for those lands."

ES at 2–3. Adapting my grazing operation to government regulation is a burden I carry every day I stay in business. Fairness requires there be a good reason for the U.S. Government to impose additional regulations on its citizens. To date, this reason has not emerged in the sage grouse debate.

PLC and NCBA are hopeful that facts will win at the end of the day and the Administration will decide that listing the sage grouse under the ESA is not warranted at this time. We are somewhat concerned that career staff in the FWS be truly neutral as they prepare the documentation and recommendations used by decision-

makers in deciding whether to list the bird under the Act. Regulatory agencies tend to regulate, and there may be an institutional bias toward listing because that is what the FWS tends to do. We urge the Administration to closely manage the preparation of the documents to ensure that career staff is open to and present information that shows listing is not necessary as well as information that suggests listing might be needed. Any help members of this Committee can provide to ensure adequate management takes place would be greatly appreciated.

The FWS bears a tremendous responsibility in making listing decisions. Increasing the costs of doing business by listing the sage grouse under the ESA could force additional ranchers to shut down their operations. Eliminating ranches can threaten the very fabric of rural life in parts of the west. Loss of ranches may have the perverse effect of increasing the threat to sage grouse habitat. When ranches are sold, the land often gets divided for subdivisions. Fragmentation of habitat that comes with the loss of open space and the additional roads and power lines needed to serve the subdivisions would not be far behind. We hope the Administration carefully thinks through all of these factors in deciding whether to list the sage grouse under the ESA.

Finally, we urge the Administration to bear in mind the importance of deferring to state management of wildlife to the greatest extent possible. We recognize that the ESA is a Federal statute that imposes duties on the Federal Government. Additionally, much of sage grouse habitat is on Federal land with a corresponding Federal responsibility to manage that land. Still, conservation will not succeed in the long run in this country unless the stakeholders who live on the land and make their living from it are involved in the effort. For this reason, PLC/NCBA are strong proponents of putting as much responsibility for wildlife management State action that is adequate to conserve the species should be fully credited tow.

As a practical matter, the FWS is incapable of managing wildlife across the entire west. The Service simply does not have the budget, personnel, or statutory mandate to undertake such a broad responsibility. PLC and NCBA urge the Administration to defer to state plans to the greatest extent possible in formulating its plan for sage grouse management, whether or not the bird is listed under the Act.

Thank you for providing the PLC and NCBA this opportunity to present these remarks. I would be pleased to answer any questions you may have.

RESPONSES BY JOHN O'KEEFFE TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Question 1. Can you see a way to improve the direction we are headed with this Outline?

Response. My view is that the most likely area to make progress is by proceeding with the six or more pilot areas proposed in the discussion section of the outline.

It would be crucial that in each of the six areas the right person is chosen to represent the private landowners of the area. This person would have two functions: (1) be a liaison between the private community and the agency community. (2) act as a sounding board to the initial effort so that as the private community was made aware of the effort, it would appear to them to be realistic, non-threatening, and likely to have positive population and habitat results on Sage Grouse.

Question 2. What would be the most effective way to include the ideas of local working groups in the effort envisioned in the Subcommittee Outline?

Response. I would suggest that you go to some local working groups that are established but not in deadlock or deep conflict. Allow these groups to be involved in designing the pilots from the ground up. Hopefully this would result in at least several successful efforts that could be use as templates to take the process west wide.

STATEMENT OF BEN DEEBLE, SAGE-GROUSE PROJECT COORDINATOR, NATIONAL WILDLIFE FEDERATION

I am Ben Deeble, Sage-grouse Project Coordinator of the National Wildlife Federation (NWF), the nation's largest conservation education and advocacy organization. Our members are America's mainstream conservation advocates who share a commitment to instituting common sense conservation of wildlife throughout this great continent.

For more than five years, the National Wildlife Federation has been involved in the development of monitoring and conservation efforts for greater sage-grouse in the western states, coordinated from our Northern Rockies Natural Resource Center in Missoula, Montana, and through our affiliate organizations in Wyoming and Nevada. During this time we have been deeply engaged in developing state conserva-

tion plans for the bird, involved in public education about the conservation challenge presented here, and facilitated the exchange of information about both the ecology and management imperatives for this extraordinary species between agencies, other conservationists, and the general public. We have organized conferences on sage-grouse conservation and on broader topics related to wildlife and energy development.

Fortunately, there have been decades of research on the life-cycle of sage-grouse, so there is ample information on the needs of the species. High quality research of scientists working under the umbrella of the Western Association of Fish and Wildlife Agencies (WAFWA) and several academic institutions has combined historic population data with cutting-edge habitat and genetic analysis to synthesize a very solid understanding of this bird and its habitats. Much of the full management picture can be completed with information from the disciplines of range science and restoration ecology. While there are still some unanswered questions about sage-grouse, I am confident in asserting that we know as much about this species' life cycle, habitat needs, behavior, and ecology as any bird in the nation, and using both proven methods and strong inference, we can implement effective conservation actions. Using this broad scientific basis, it is my sense that there is a potential currently for productive and meaningful deliberations among agencies and other partners for implementing effective management actions, for designing and funding these efforts in specific geographic areas, and for verifying our results.

And it will be a huge task. In my mind, what complicates the management of sage-grouse is two-fold. Foremost is that many different factors can affect the habitat quality of the bird, from outright conversion of their habitats for things like intensive crop production, to much more subtle factors like weed and evergreen tree invasion. Roads and their vehicle traffic, utility lines, fences, pesticides, weeds, wildfire, new predator populations, pond building, urbanization, extreme weather, overgrazing, overhunting—all have been shown to have implications for sage-grouse reproduction and adult survival. The second complicating factor is that sage-grouse, even where thriving, exist in relatively low densities and move around a lot. Individuals within populations can be highly mobile, in some cases regularly migrating 80 miles or more in multiple directions, with sustainable populations occupying areas that ultimately comprise huge landscapes. Yet the birds are, to some extent, specialized, using relatively specific parts of these large landscapes, parts which must remain in high quality and interconnected by hospitable corridors. Both sets of characteristics make populations particularly vulnerable to habitat fragmentation and degradation. In addition, while any one of the above factors alone may not be devastating to grouse populations, in many places multiple factors likely work synergistically to both suppress reproductive success and elevate adult mortality, resulting in population declines and eventual extirpation. These several factors also occur across multiple jurisdictions of federal, state, and private lands, making coherent management for the bird bureaucratically, socially, and economically complex. There are many examples where bureaucracies are working at cross-purposes within agencies, and many instances where private interests are doing the same.

Some populations remain robust, but many are clearly in an ongoing downward trend towards local and regional extinction. Greater sage-grouse populations and reproductive rates have been declining in the West for at least the last four decades. Population declines are estimated rangewide to average approximately 33 percent, while productivity has declined an average of 25 percent (Connelly and Braun 1997). These declines are the result of a variety of causes, with degradation and destruction of shrub-steppe habitats being dominant factors (Wambolt et al. 2002). Unprecedented new activities in these landscapes also have the potential to speed regional extinctions, and new disease issues are emerging. Essentially sage-grouse are a bird of the wildest sagelands we have left in the West, as evidenced by the fact that we have already lost populations from at least one-third of their historic range Westwide. All populations throughout the species' range have now been petitioned for listing under the federal Endangered Species Act (ESA) (WDFW 2000, Webb 2002).

That said, let me be emphatically clear. To the degree that a stereotype is being created in some places that the conservation community wants to "shut down" livestock or energy production in the West using the:: sage-grouse, that stereotype is false. We believe that in some locations well-managed livestock grazing is compatible with healthy sage-grouse populations and, in fact, may work to maintain important blocks of sagebrush grassland habitat. Likewise, there are core guidelines on important practices related to minimizing and mitigating the effects of energy production. All types of energy production will not be compatible in all places with sage-grouse, but both onsite practices and offsite mitigation hold . promise for maintaining critical habitat and core populations of sage-grouse. Using the good science that already exists for the management of the bird and its habitats, whether in the

context of energy development, livestock grazing, or any of several other human activities, we can maintain this important shrub-steppe ecosystem for a variety of wildlife species and human uses.

ADOPT-A-LEK: POPULATION MONITORING

As one step in rising to this conservation challenge, the National Wildlife Federation in late 1999 launched in Montana what for us is a relatively unusual field project named "Adopt-A-Lek." Starting with just a handful of volunteers, largely sage-grouse hunters, we began training and fielding people to count sage-grouse at dawn each April on their breeding leks. Most state agencies generally did not, and still do not, have the capacity to get multiple annual counts of a majority of their leks, and we felt we could recruit and train a highly-motivated and competent labor force to seasonally assist with population data collection. Using accepted state survey protocols, our volunteers have proven to be reliable, competent, and an asset to regional survey efforts. We provided seed money for our affiliates in Wyoming and Nevada to launch their own state-based Adopt-A-Lek programs in 2001. The project has grown dramatically through support from the National Fish and Wildlife Foundation, state agencies, private foundations, the U.S. Forest Service, and we hope in 2005, the Bureau of Land Management (BLM). To give you a sense of scale, last April ninety-three volunteers drove over 35,000 miles in Montana, Wyoming, and Nevada to monitor more than 150 leks, in many cases getting multiple counts. This constitutes somewhere between 5–10 percent of the total greater sage-grouse survey effort West-wide.

In addition to helping collect the on-the-ground data that is critical to sage-grouse conservation efforts, we believe that recruiting local people for population monitoring is perhaps the best way to help educate and inform them about the landscape and habitats the birds survive in, and bring their experience up to levels where they can help develop and fully participate in further conservation efforts. While NWF has been very successful to-date fielding volunteers to census sage-grouse, and the project has proven relatively economical compared to similar agency-based efforts, it is likely that a substantial shift in geographic scope or census intensity would require new multi-year funding mechanisms.

HABITAT ENHANCEMENT INCENTIVES TO PRIVATE LANDOWNERS

The second leg in our program involves delivering incentives to landowners to implement sage-grouse habitat enhancement measures. A primary objective of this project is to explore economically acceptable methods for enhancing sage-grouse habitats in working landscapes, such as voluntary incentives for altering grazing patterns, as well as restoring rangeland and habitat productivity through other techniques. An additional objective of this proposal is to conduct habitat management experiments to test if attaining WAFWA's recommended guidelines for nesting and early brood-rearing habitats in the vicinity of leks will increase the local grouse population. The new plan for sage-grouse conservation in Montana and several other states identifies grazing management as one of the available tools for enhancing grouse habitats (MDFWP 2002). Elsewhere, both positive and negative impacts to sagegrouse habitat from livestock grazing have been documented (Beck and Mitchell 2000). A field tour of the majority of lek sites throughout southwest Montana in April 2003 identified a lack of herbaceous cover in otherwise relatively large expanses of sagebrush as potentially the limiting factor for sagegrouse productivity and populations in the region (Braun 2003). The National Fish and Wildlife Foundation has offered NWF a challenge grant to begin incentive delivery to private landowners in 2005 who volunteer to participate in habitat management actions related to livestock grazing. Financial support for landowners engaged in management experiments involving reduced springtime grazing of grouse habitats is essential because of the particularly significant economic impacts incurred by loss of forage during this time of year (Torell et al. 2002). Private lands with existing suitable sagebrush canopy will be prioritized for breeding habitat enhancement. However, because of mixed land ownership patterns and public lands grazing leases, enhancement sites could be a combination of suitable private and public lands anywhere within lek specified buffers, if we can get through the red tape. Landowners will use financial incentives for the specific objective of meeting their own herd forage needs while managing lands to achieve the recommended guidelines for sage-grouse breeding habitat. Recommended breeding habitat conditions will be achieved on the maximum number of acres possible within buffers using the available incentives. Incentive levels will be market-based, designed to be essentially economically neutral for the landowners that enact the habitat prescriptions. Management prescriptions will be developed and implemented with the objectives of increasing herbaceous

(grass and forb) vegetation within sagebrush stands of >15 percent canopy from May 15–July 1 for multiple years.

In addition to financial incentives, some landowners have requested legal protections from potential liability, such as through inclusion under a Candidate Conservation Agreement with Assurance (CCAA), should sage-grouse be listed under the ESA while the species is being conserved on their property. A CCAA will be developed for use in Montana, and we anticipate some additional states will be able to offer Certificates of Inclusion to private landowners by 2005.

CURRENT AGENCY ACTIONS, GREATER SAGE-GROUSE AND THE ESA

The third leg of our conservation effort involves somewhat more direct engagement with public land management agencies. There are many opportunities in agency actions to adopt improved and proven habitat management practices for sage-grouse conservation. While some local jurisdictions have made great strides, adoption of proven beneficial practices have been, in many places, uneven at best. Guidance from agency leadership has been slow in being issued, and agency implementation at the field level has suffered from inadequate information, staff, funding, conflicting priorities, economic concerns, and business-as-usual inertia. As a result, NWF has found itself in the unfortunate situation of challenging through the courts and administratively some agency actions in efforts to gain management improvements for sage-grouse habitat. NWF has been conducting all its efforts in a regulatory environment that lacks federal recognition of greater sage-grouse as threatened or endangered, and progress in the proliferation of state-level planning and research efforts during this period has been significant. The question yet unanswered is whether the current momentum to sustain greater sagegrouse populations and habitats, particularly the expensive and time-consuming task of delivering conservation on-the-ground, will continue without the threat of further listing action.

Actions to conserve a closely related species, the Gunnison sage-grouse in southern Colorado and Utah, have come almost too late, with only a few thousand birds known to remain in some dozen small isolated populations. This species most certainly requires upgrading in its designation and more stringent protections under the ESA. Recovery, if possible, will require a much more intensive effort relative to the land area involved.

Regarding the petition pending to list greater sage-grouse as federally threatened or endangered rangewide, here, too, we support the professional wildlife biologists making their best evaluation of the species' status, without political interference. There are new factors emerging, like vulnerability of the species to West Nile virus, that complicate the already complex task of evaluating the species across eleven states, and the Service should be given every resource it needs to competently complete this status determination.

Lesser classifications by agencies have both assisted agency progress towards developing and implementing conservation actions, and have been underutilized for grouse conservation. The Forest Service considers sage-grouse a "sensitive" species rangewide and uses the bird as a "management indicator" species in several forests and grasslands, which has greatly aided conservation planning. In our opinion, the loss of this latter management designation under newly adopted planning regulations will be an unfortunate step backwards for sage-grouse conservation on Department of Agriculture lands. State Fish and Game agencies still manage sage-grouse as a huntable species in many areas, and are doing their best to responsibly manage seasons and bags to allow some pursuit of a harvestable surplus of sage-grouse where healthy populations are still found. In our view this is reasonable, professional wildlife management, and seasons should be managed based on science, not political considerations. In some places the science suggests the season should be closed. The BLM gives sage-grouse special status classification through their planning process, but in very few instances has taken substantive action to do new on-the-ground special management for the bird. For example, despite a decade-old agency directive to designate Areas of Critical Environmental Concern (ACEC) for sage-grouse, none have been implemented. As recently as last year, BLM field offices in Montana were denying nominations of priority sage-grouse habitats as ACECs, using the rationale that sage-grouse did not meet the "importance" criterion that would trigger full nomination review. As another example, withdrawal of leasable and locatable minerals, has yet to occur anywhere specifically to conserve sage-grouse.

CONCLUSION

The unfortunate situation today is that we cannot point to a single place where a large sage-grouse population is clearly secure for the long-term. Sage-grouse do

not have a single place that is not vulnerable to weed invasion or wildfire, open to potential energy development or over-grazing, slated for agricultural conversion or subdivision, and certainly no place that is shielded from the potential impacts of disease. We need to take action to buffer the populations in several places against both catastrophic and chronic events by restoring the productivity and security of this species and its habitat. Many mechanisms already exist and are being proposed for conserving the large landscapes the birds need, through easements and special management designations. Many talented people are already on the ground doing potentially helpful work. What is lacking is the precedent for enough diverse partners to work together to focus and fund the tasks at hand, then get them done.

Thank you for the opportunity to testify before your committee.

Making It Happen

We are at a turning point in size and effort, and will need to raise steady funding to continue AAL as an annual program. To expand the population monitoring efforts and to launch an incentives-based habitat improvement program, we hope to raise funds from a variety of sources.

Your donation would be greatly welcomed. Please consider joining the NWF and our partners in making a real difference for sage-grouse.

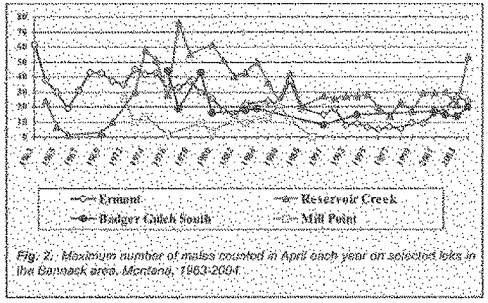


Fig. 2. Maximum number of males counted in April each year on selected leks in the Bannock area, Montana, 1963-2004.

Your Donations Will Support

- Putting volunteers afield to count sage-grouse and monitor habitat conditions.
- Buying/renting trailers, optics, computer software, global positioning systems, tapes, cameras, maps and other field equipment.
- Partnerships between landowners, conservationists and other sage-grouse experts for on-the-ground habitat improvements and monitoring.
- Grazing management incentives to build a positive economic environment for grouse conservation.

Adopt-A-Lek Wishlist

- Spotting scopes
- Binoculars
- Digital cameras
- Two-way radios
- Camouflage blinds
- Camper trailers
- Tents
- Camouflage field clothing
- Video production
- Other camping equipment

PARTNERSHIPS

Adopt-A-Lek is not possibly without our many funders and cooperators who offer support through donations, grants, goods, and services.

ASSOCIATES
Nevada Wildlife Federation
Wyoming Wildlife Federation
Big Sky Upland Bird Association

FOUNDATIONS
Brainerd Foundation
Bullitt Foundation
Cinnabar Foundation
Energy Foundation
National Fish & Wildlife Foundation
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INDIVIDUALS
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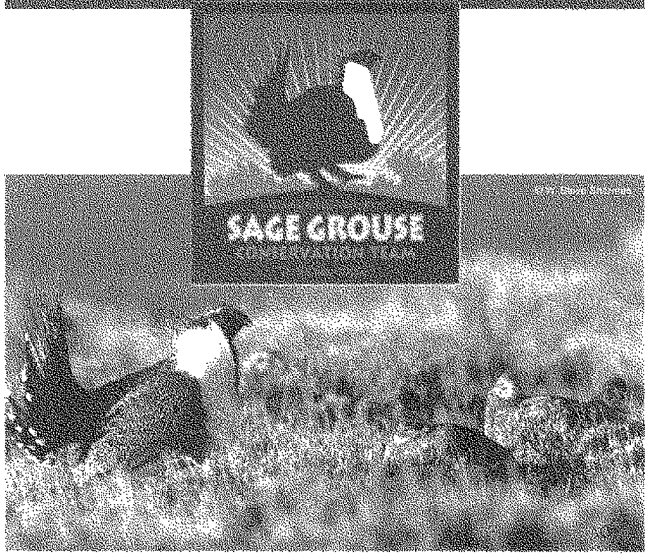
Gary Tease
Troy Lyman
David Pennesse
LM & Colleen Powell
Terry Silver
Todd Smith

Bureaus of Land Management
MT Dept. Fish, Wildlife & Parks
WY Department of Game
WY Game & Fish Dept.
University of Montana, Missoula
US Fish & Wildlife Service
US Forest Service

Aerie Backcountry Medicine
Spokane Porch, Kingdom, MT
Supermoon x Riverdance

National Wildlife Federation • Sage-Grouse Project • 240 North Higgins, Suite 2 • Missoula, MT 59802
406-721-6705 [phone] • 406-721-6714 [fax] • deeble@nwf.org

Join The Adopt-A-Lek Program



Using Citizen Science to Monitor Sage-Grouse Populations and Habitats

NATIONAL WILDLIFE FEDERATION
www.nwf.org

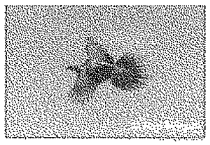
August 2004

Bellwether of the Sagebrush Sea

In the chilly weeks of April, sage-grouse perform their annual mating rituals, dancing and calling in the frosty dawn on traditional breeding areas, or "leks," across the broad sagelands of the West.

Truly a bird of wild and open country, sage-grouse are especially sensitive to habitat degradation. They need vast areas of mature sagebrush for food and shelter, and many move across hundreds of square miles during the year. They also need wetlands and lush native grasses and wildflowers amidst the sage to successfully raise their chicks.

Once enormously abundant, the sage-grouse has disappeared from nearly half its historic range over the past century because of habitat degradation and loss. In response, the states have brought together citizens, conservation groups, landowners and agencies to develop management strategies and plans.

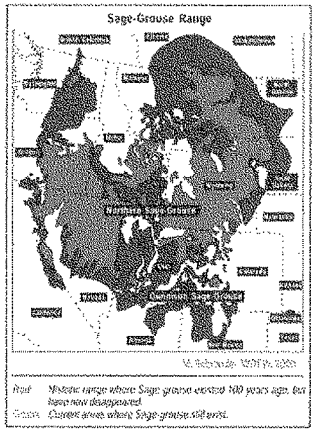


NWF Adopt-A-Lek Program

Conservation efforts cannot be successful without information on where sage-grouse occur and in what numbers. In hopes of stemming the decline of this beautiful bird, the National Wildlife Federation created the citizen science **Adopt-A-Lek (AAL)** program to involve volunteers in counting sage-grouse on their spring leks. Lek counts are the standard method used to understand sage-grouse population trends.

AAL volunteers have been surveying sage-grouse leks in southwestern Montana since 2000 and in Wyoming and Nevada since 2001. We work closely with biologists from state and federal agencies to coordinate our surveys. The data from the program helps biologists determine sage-grouse distribution, track changes in sage-grouse populations, and gauge the effectiveness of conservation efforts. In turn, our volunteers become effective citizen advocates for sage-grouse and sagebrush-steppe habitats.

AAL has been featured in National Public Radio's *Living on Earth*, area newspapers, Montana magazine, and National Wildlife magazine. We now hope to expand the program's efforts in the coming seasons.



Map: Historic range where Sage grouse existed 100 years ago, but have now disappeared.
Current areas where Sage-grouse still exist.

Getting Out the Count

In 2004, we recruited and trained 91 volunteers in Montana and Wyoming, increasing our 2003 effort. Volunteers surveyed known breeding leks and also searched for grouse around historic lek sites and areas with suspected lek activity. Despite spring snow, rain, cold and roads that often turned into muddy quagmires, our 2004 volunteers devoted a total of 2,465 hours of their time and drove 34,524 miles to count more than 151 active and historic leks — a hugely successful season! Volunteers were able to get replicate counts on 58% of our leks, increasing the reliability of the data. Volunteers also discovered 4 *new* leks – leks that were either previously unknown, or had been suspected and are now confirmed.

Volunteers view leks from vehicles, blinds, and on foot.

2004 AAL Accomplishments

	# Leks & search areas	# New leks found	# Active leks	# Sites Inactive
Montana	96	4	38	28
Wyoming	55	0	30	21
Total	**151**	**4**	**68**	**49**

Looking at Trends

Even though we found new leks, our searches revealed that many historic leks are now probably inactive, and overall grouse numbers remain depressed. All of this information is important to land management and conservation planning. With each season, AAL builds on long-term lek count data, which helps us understand regional and local grouse trends. Some leks now have several years or decades of counts, offering us a vivid picture of grouse status in these areas.

In southwestern Montana, for example, leks that have been consistently monitored over many years illustrate a decline in grouse numbers. Although only a few leks have consistent counts over the long-term, none show long-term upward or stable trends, and many leks have disappeared altogether.

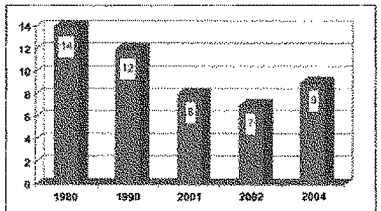
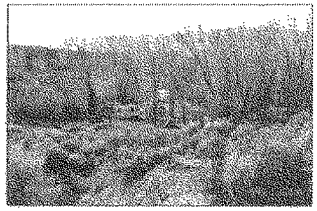


***Fig. 1.** Number of leks in Beaverhead County, Montana, with more than 20 males displaying.*



Grasshopper Creek Base Camp.

Looking Into the Future

Expand Monitoring

We hope to build AAL into a network of grassroots volunteers throughout the range of the sage-grouse. AAL needs to continue as an annual monitoring effort to build an understanding of local and regional changes in grouse status to inform resource managers with data relevant to land management and conservation. We expect to *return* each year to areas currently surveyed in Montana, Wyoming and Nevada. We also hope to extend the program into new areas where strategic opportunities present themselves. For example, in 2004 the Bureau of Land Management supported launching an AAL effort in southeastern Montana in areas slated for coal bed methane development, and we also have promising expansion prospects in eastern Oregon and Utah.

Habitat Improvement on the Ground

In many places one of the limiting factors for grouse is a lack of high-quality grasses and leafy plants in brood-rearing habitats. If we are successful raising funds, in 2005 NWF will test an economic incentives program that would allow ranchers to partner with agencies and conservationists on habitat enhancement projects. We will use AAL data and site visits by experts to pinpoint areas for habitat improvement on private and public lands. We hope to recreate high-quality nesting and brood habitat in areas that can show measurable benefits to grouse within just a few years. AAL volunteers will be used to document grouse population and habitat changes.

RESPONSES BY BEN DEEBLE TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Question 1. What else would you recommend as a way to sustain and encourage participation in local working groups?

Response. Working groups must be adequately funded, to support both facilitated meetings where groups are guided through educational exercises and project development, and for on-the-ground project implementation.

Participation in working groups will be enhanced if participants feel they are learning new things and gaining access to financial and logistical resources for implementing new things on-the-ground. Perhaps counter-intuitively, I also believe participation in LWGs will decline as the proposed conservation actions prove unthreatening to particular interests. There will be a certain self-selection process and LWG size will decline as people who have been attending just to watch the ball (instead of move the ball) fall away. You will end up with a small core of people who are highly motivated, and (after a time) educated, to move forward with positive on-the-ground work.

LWGs also need to recognize more than just local citizens as key participants; resource professionals need recognition for providing critical technical review. LWGs will have greater participation by local agency staff if they feel they have a recognized role in the proceedings. Some LWGs invite agency staff as passive advisors rather than as decision-makers in the processes, and as a result sideline much of the technical knowledge, de facto reducing competent review of LWG proposals and products. This tendency may become the Achillies heal of the LWG process. Agencies should be encouraged to have their staff participate in meaningful ways, and LWGs should be encouraged to accept the technical expertise of the agencies.

Question 2. We need both extensive and intensive information: we need to know the extent of where sage-grouse occur and how they are doing in each place. In your view, how can we allocate our resources to optimize this trade-off?

Response. Sage-grouse population trends (intensive information) are most readily obtained through lek surveys, where known leks are repeatedly subjected to counts of cocks using a consistent protocol, and from this annual monitoring the local population trends can be inferred. Some states have so few leks, and enough field staff, to conduct replicate counts of all their leks annually. Other states have many leks, but not enough field staff, so must sub-sample their known leks, and may not obtain any replicate counts. States do not have consistent methods of determining this subsample; this should be standardized to develop statistically comparable data between regions. Replicate counts (three counts per year per let) of active leks is the accepted protocol for optimal annual surveys. Using modestly trained technicians through such projects as the National Wildlife Federation's "Adopt-A-Lek" is one means of increasing state capacity to obtain intensive information through replicate counts; LWG participants could also be used to conduct intensive surveys.

Intensive survey effort could, be stratified to survey both sage-grouse leks found in the core of the known range as well as leks found at the current periphery of known range, which could have the dual benefit of detecting changes in core populations and population extent.

Extensive information about sage-grouse occurrence has generally been determined by a thorough review of agency records. To my knowledge, no call for data has been issued to bird watchers, landowners, industry, hunters, or other individuals who may encounter sage-grouse. Today unsurveyed habitats are generally searched aerially. Instrumentation of sage-grouse has also resulted in learning the migratory range of many populations. It should be assumed that range-contraction is ongoing in some areas.

In my opinion, the collection of intensive information should have a higher priority than extensive information. Resources need to be mustered to conserve the bird in core areas, and intensive information about population trends in these core areas is essential. The extent of many populations is already well known.

Question 3. What would be the most effective way to include the ideas of LWG's in the effort envisioned in the Subcommittee Outline?

Response. Local working groups should not be expected to work well in a vacuum. LWGs should be encouraged to exchange information between each other, and should be able to tap information resources of other entities. In particular, success stories need to be exchanged and successful methods needs to be propagated.

One approach for integrating LWG ideas with those of the Subcommittee would be to present the proposed policy objectives to them, and ask for their feedback in terms of their receptiveness to the objectives and how that particular LWG could participate in achieving the objectives. That response could provide guidance as to

where the Subcommittee may want to geographically launch their efforts and which objectives to emphasize.

STATEMENT OF JIM MOSHER, EXECUTIVE DIRECTOR, NORTH AMERICAN GROUSE PARTNERSHIP AND AMERICAN WILDLIFE CONSERVATION PARTNERS, REPRESENTING VIEWS OF: BOONE & CROCKETT CLUB, CAMPFIRE CLUB, INTERNATIONAL ASSOCIATION OF FISH & WILDLIFE AGENCIES, IZAAK WALTON LEAGUE OF AMERICA, NATIONAL WILD TURKEY FEDERATION, NORTH AMERICAN GROUSE PARTNERSHIP, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP, QUAIL UNLIMITED

Mr. Chairman and members of the Committee, my name is Jim Mosher. I am the executive director of the North American Grouse Partnership, a wildlife biologist and, at every opportunity, an upland bird hunter. My professional career has encompassed university teaching and research, environmental consulting and administration of non-profit conservation programs and organizations.

The North American Grouse Partnership that I now serve is a very young organization, incorporated in the State of Idaho by a group of dedicated sportsmen and professional biologists concerned in particular about the lack of adequate management to address the needs of prairie grouse species and the grasslands and sage communities that support these populations. Our organization's approach and strategy as we work on behalf of grouse conservation at the local and national policy level is based on a few fundamental principles: (1) sound scientific understanding should drive resource management decisions, (2) the well-being of the species on which we focus our attention reflects the health, or lack thereof, of whole communities [it is the habitat that supports those communities that is our primary concern], and (3) fair and sustainable solutions to resource conflicts arise best from open and honest dialog among all who have a stake in the outcomes.

THE CHALLENGES

This hearing appropriately focuses attention on the condition of sage grouse populations, their habitats and the near and long-term challenges to conserving this valuable resource—issues of immense concern to us and our colleagues. I thank the Committee for providing this forum to look toward solutions that will protect sage grouse while permitting access to and use of other important resources. I must also note here that the challenges that are faced today by sage grouse are of no less concern for other grouse species. While we are working to find the most effective measures to protect and restore sage grouse habitat and populations, we must understand that we could be here again very soon talking about lesser prairie chickens or other prairie grouse if we are not successful in properly managing our grassland and sage communities.

There are at least three fundamental problems affecting landscapes that grouse depend on for survival: (1) habitat fragmentation [or insufficient habitat scale], (2) habitat alteration resulting from a number of human uses and (3) woody succession and/or invasive species. Note also that the effects of prolonged drought exacerbate these challenges. Absent our ability to control that factor, we must pay particular attention to the amount and quality of remaining habitat.

It is worth acknowledging here that sage grouse populations are not in the condition they are in today simply because of any one land use. Many different uses fragment the habitat and/or impact species behavior and habitat use. It is rather the cumulative affect of all of these factors. Our system of land management has tended to drive public and private land decisions to be made in isolation without fully considering cumulative and range-wide effects. Addressing these issues singly is moreover likely to polarize stakeholders and make sensible solutions more difficult if not impossible to secure.

We suggest as this discussion about the positive actions that may be taken continues, that we would benefit as well from a consideration of underlying policy questions that arise from conflicting resource interests, especially on our multiple use public lands. There is an implication that we can do it all, everywhere, all the time we only need to be more careful about how we undertake each activity. We do very positive things like instituting Best Management Practices to minimize impacts and/or mitigate for some that are unavoidable. We trust that all the interests will be served. I imagine we would all agree that's not always so. At least with respect to sage grouse, there are clearly levels and scale of activities beyond which populations will not survive. As local populations become disconnected from adjacent populations they become more fragile and the likelihood of collapse of each increases. There have been and will be places where the real test is an 'either/or' question. In these places we can't do it all. The question is—do we permit activities that will likely

preclude maintaining viable grouse populations? How do we decide where those places are? How then do we decide? These are difficult questions because in large part they make us face unpleasant choices and imply winners and losers. I think a positive step is to face these choices and put these questions openly on the table whenever and wherever they pertain with all the stakeholders engaged.

CONTRIBUTIONS FROM THE HUNTING COMMUNITY

Despite difficult challenges we face to conserve sage grouse, the community of hunters and allied conservationists for whom sage grouse are an integral part of our lives none-the-less have and will continue to contribute in numerous ways. As a threshold matter, it should be recognized that sportsmen have largely paid for the restoration of wildlife once in this country and should not be expected to do so alone again. In this instance it is sportsmen-supported state wildlife agencies that have taken the lead in the Conservation Assessment of Greater Sage Grouse and Sagebrush Habitat as well as in development of strategic planning that is now is process. This Assessment is a fundamentally important document that begins to chart a course to conservation measures—our ultimate success will be predicated on effective and widespread implementation.

We are generally a practical-minded group and clearly understand that prevention is nearly always less expensive than the cure. Investments in sage grouse habitat improvement and range expansion made now will be far less costly than any recovery attempts later. Moreover, in the absence of appropriate management now we may foreclose some recovery options entirely.

Individual sportsmen and their organizations contribute to sage grouse conservation in many ways through their license dollars, direct contributions to projects, technical expertise, through support of conservation organizations that represent their interests and through those organizations' programs. Sportsmen give generously of their time and their funds whenever and wherever the effort promises successful outcomes for wildlife. There are many specific examples of these contributions including local projects that have been funded by and implemented through volunteers. The following are a few examples of what sportsmen's conservation groups can do and are doing specifically for sage grouse.

In partnership with The Nature Conservancy, the N.A. Grouse Partnership's Idaho Chapter is now demonstrating how to manage for sage grouse on a meaningful scale. Working on TNC's Crooked Creek Ranch, where sage grouse nesting success was acceptable, but the rate of chick survival was poor. We have partnered with Idaho Fish & Game to improve the habitat in a number of ways in this instance by increasing the composition of forbs. Forbs are broad-leaved herbaceous plants important during the first 10 days of the grouse chick's life for the nutrition provided by insects, especially beetles and ants that they attract. Geographically broader application of this management faced the challenge of the expense of the seed mixtures that included sufficient forb seed. The Chapter applied for and received a grant from the Office of Species Conservation to create and administer the Grouse Habitat Restoration Fund. The fund cost shares with property owners to make the more expensive seed mix affordable, distributes information about the program and encourages landowners to voluntarily improve sage grouse habitat. With the implementation of this program more forbs can be established in sage grouse habitats across the state of Idaho, and an increase in chick survival should follow.

Quail Unlimited projects have benefited sage grouse in California and Colorado. In partnership with the Bishop Field office of BLM, a broad-based group of stakeholders has drafted a conservation plan to preclude listing and maintain a healthy sage grouse population. They will cut young pinyon-juniper trees encroaching on known breeding habitat, build guzzlers in brood rearing habitats where habitat is suitable but distribution is limited by availability of water, continue radio telemetry study and habitat mapping to identify crucial seasonal habitats for future conservation actions, monitor utility lines to determine if anti-raptor perching devices may reduce predation, inform recreational visitors on how to enjoy sage grouse habitat with minimal impact and new builders on how to minimize their impact on surrounding sage grouse habitat. These projects will serve to begin implementing the conservation plan, monitor success of the actions, identify areas for future conservation actions, involve youth in an active and positive role, benefit the community, and educate current and future users of sage grouse lands. With the BLM Craig district in Colorado, QU has established a project to increase the grass and forb component and increase the vigor of the sagebrush canopy in known sage grouse brood rearing areas. Research has shown that sage grouse utilize new sage growth as their nearly exclusive winter diet. Much of the sage in this area is very old with little succulent new growth. This project has restored over 4,000 acres of decadent sage through

brush beating (mowing) and chemical treatment of selected sites in a patchwork design.

Members of the North American Falconers' Association and other members of the falconry community have contributed valuable information on critical winter ranges used by sage grouse. This information has been provided at least for large areas of Idaho, Montana and Wyoming. The National Wild Turkey Federation, with their Western Plan, supports habitat improvements that benefit not only wild turkeys but grouse and other game and non-game species as well.

Recently, the Western Governors' Association published a compilation of examples by states of sage grouse conservation projects, several of which have significant involvement by sportsmen and their organizations.

In addition to volunteering time, money and labor on specific projects, sportsmen have been effectively engaged in efforts to resolve resource conflicts involving sage grouse and other wildlife through support of collaborative efforts with other stakeholders. Nowhere has that been more evident recently than with discussions about energy development and its relationship to sage grouse and other wildlife that share the same habitat.

With support from the BLM, the Izaak Walton League initiated 2 years ago a series of facilitated meetings among ranchers, the energy industry and sportsman groups. The reports of those meetings are available on the League's web site at www.iwla.org. The Theodore Roosevelt Conservation Partnership supported a similar meeting in New Mexico with the assistance of the National Commission on Energy Policy. The purpose of the meetings was to improve understanding on all sides of the issues, limitations and interests of our respective communities, and most importantly to begin to craft solutions to conflicts that occur when our interests overlap on the landscape. We made useful progress at those meetings and built a network for further communication that continues today.

Related to these discussions, we have used other opportunities to more broadly engage with the energy industry. Representatives of the Boone & Crockett Club, the Wildlife Management Institute and I have made presentations at the National Petroleum Forum and Fluid Minerals Conference about the outcomes of our facilitated meetings and the issues of concern to sportsmen. In addition, I spoke on similar issues to the National Energy Council comprised of state government representatives. These forums have provided useful opportunities to explain the concerns of the wildlife community and to make clear our desire to find mutually acceptable solutions to the inevitable conflicts.

In early November, the Wildlife Working Group of the National Wind Coordinating Committee will meet here in D.C. We will discuss issues of impacts from wind energy development on grouse in a session that will address the affects of tall structures. As pressure increases to expand and incentives are provided for renewable energy development, conflicts over construction and especially siting of wind facilities will increase. Prairie grouse species appear averse to such facilities. Although additional research is needed to confirm preliminary data, wildlife experts warn of significant population impacts where wind development occurs in proximity to important grouse habitat.

In addition to the many cooperative efforts with industry, a working group comprised of the American Sportfishing Association, International Association of Fish & Wildlife Agencies, Izaak Walton League of America, Theodore Roosevelt Conservation Partnership led by the Wildlife Management Institute, North American Grouse Partnership and Trout Unlimited, has met with senior Administration officials. We have made a number of suggestions regarding ways to avoid future impacts to fish and wildlife. For example, we have called for improved monitoring. To work effectively and provide answers about real impacts from land uses, monitoring must include not just species presence and abundance, but longer term measures of whether they survive, reproduce and sustain viable populations. We need to affirm Multiple Use Management of Federal Lands. We need specific policy criteria developed to assist Federal land managers in identifying and protecting high resource value places and specific guidance to ensure that such a review and subsequent action takes place in a timely manner. Federal land managers should make decisions carefully when they may constrain the government's flexibility to control activities that prove to pose risks to important fish, wildlife, and water resources. BLM should undertake a comprehensive assessment of the effectiveness of stipulations to determine if they are accomplishing their intended purpose. Adequate financial resources for reclamation should be a part of the cost of doing business on Federal lands.

To be sure, these recommendations have been considered and adopted to some extent and we commend the agencies for that work. We think we can all do more.

COMMITMENT TO DO MORE

All these projects, meetings and collaborative processes involve considerable time and expense contributed by individuals and their organizations. Yet, our organizations and the individual sportsmen involved in all theses efforts on behalf of sage grouse are committed to programs and resolution to conflicts that best meet our Nation's needs and those of the various stakeholders. Above all we are resolute in our commitment to sustaining, and wherever possible restoring, sage grouse populations. We will contribute expertise, time, money and labor individually and collectively within our respective limits.

RECOMMENDATIONS

What follows are a range of suggestions, made by sportsmen, to improve conditions for wildlife. We have suggested authorizing royalty reductions or credits to those entities with existing and future Federal energy development leases, with proceeds used to enable Federal land lessees to protect or enhance our nation's natural resources. The purpose is to provide financial support to monitor, enhance and secure populations of prairie grouse and other natural resources. We are currently developing a North American Grouse Management Plan that identifies specific actions which can be used to protect or improve grouse habitats. Among these actions are habitat and population monitoring, trapping and relocating grouse from healthy populations, modified livestock grazing and watering systems, changing the season of use and density of energy developments, and enrolling lands in the suite of conservation programs available through USDA and the FWS.

The Conservation Assessment of Greater Sage Grouse and Sagebrush Habitats is a good baseline, and some states have developed or are developing conservation plans that should identify positive management opportunities. However, improvements must occur on the ground to achieve real progress.

From our perspective in discussions with other stakeholders, we would encourage increased coordination and cooperation among all stakeholders. Opportunities include developing a workable plan to respond [adapt] based on returning monitoring data in a timely way—not just for energy development but for other land uses as well; research designed to assess if, how, where BMPs and stipulations are accomplishing their purpose; a process for determining when/where certain land uses are not compatible with sage grouse and/or other high priority resources within or apart from formal management plans; and the means to provide an effective opportunity to assess potential conflicts prior to management actions.

There are opportunities to coordinate related activities and leverage and prioritize limited resources by:

1. Identifying information needs. Are we measuring the right things? Are we using the data we're collecting? What is the relationship between what we measure and actual population responses? We need to learn from what we are doing see appended letter regarding a proposal by Questar.
2. Identifying conservation actions that can be implemented now, such as predevelopment assessment, identification of protected areas, and restoration programs.
3. Developing a realistic budget to meet the information needs as part of a funding needs package that addresses amounts and potential sources of funds Federal, state and private. We especially need to understand and make visible the real needs of land management agencies to meet mandated requirements as well as implementing sage grouse conservation measures.
4. Considering creation of a 'Wildlife Conservation Partnership Council'. The Council would be chartered to raise the profile of wildlife conservation, the values of wildlife to the country's heritage and economy and to encourage public/private partnerships. More specifically, the Council could advise on issues that arise at the intersection of economic development and wildlife resources with the purpose of finding innovative ways to enhance both of these values so important to the country. This could focus significant human and fiscal resources to resolving some of those conflicts.

This past February, while recognizing that many land uses that can compete with grouse will and need to continue, several specific actions concerning sage grouse conservation were suggested including:

1. Identify, with State agencies and private conservation interests, all high value Sage Grouse range.
2. Apply available best management practices for any development on public lands through appropriate agency authority.

3. Provide adequate funding to monitor populations and habitat conditions throughout sage grouse range.

4. Support completion and implementation of the North American Grouse Management Plan and its linkage to State conservation plans, and consider legislative authority for the Plan through a mechanism similar to the N.A. Waterfowl Conservation Act.

In some places and at some times over-utilization by livestock grazing remains a challenge to successful reproduction and population recovery for upland gamebirds as well as other grassland and shrubland species. Poor range conditions for many reasons, combined with herbicide and mechanical treatments carried out with the intention of reducing all plants except grasses on rangelands, have had impacts on endemic wildlife populations throughout North America. Although conservation programs allow for reimbursement of prescribed burning expenses, no allowance is made to create the necessary fuel, for example through grazing deferment, for conservation success. State and Federal programmatic and tax incentives could be applied to reduce grazing intensity in areas of high conservation priority.

The Grassland Reserve Program is the one USDA program that not only provides restoration and easement dollars but also restricts all forms of habitat fragmentation for the term of the agreement. This program is the first to recognize that a number of developments and structures can measurably reduce the conservation value of a property. This program needs increased funding.

We should consider expanding annual incentive payment options available for modified grazing systems under the Environmental Quality Incentives Program (EQIP). At present EQIP offers only up to 3 years of annual incentive payments to farmers and ranchers who choose to enroll in the program. While this time period may be sufficient for some land management practices, it does not provide the long-term incentive necessary for many of the land management practices available under EQIP. We are particularly interested in the gains that could derive from modifying EQIP to enable producers to receive annual incentive payments for up to 10 years for land management practices benefiting prairie grouse. Many producers who support prairie grouse populations have indicated that annual incentive payments throughout an extended EQIP contract period would attract them to the program.

In highly fragmented or small land ownership areas, we should consider financial incentives for neighboring landowners to form wildlife cooperatives, whereby state and Federal taxes are abated to provide a public benefit. Many landowners are eager to enter into such wildlife cooperatives.

In conclusion, there are unavoidable and serious ecological consequences should human development, in many forms, continue unchecked on public lands, and financial investment is required to conserve and restore wildlife habitats. All of our private efforts to conserve sage grouse and their habitats will be insufficient to the task if our policies and programs do not provide for and encourage effective conservation measures. Government policies must address cumulative impacts and establish landscape level ecological goals and fragmentation ceilings. We believe that Congress and the Administration can and should tap the resources within our community to the benefit of all interests. It will take the commitment of funds, effectively delivered programs, careful planning and most importantly implementation of real habitat management to forestall further loss of sage grouse and other wildlife resources, and the consequences associated with such outcomes.

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

July 9, 2004

Mr. Ron Hogan
Questar Market Resources, Inc.
Independence Plaza
1050 17th Street, Suite 500
Denver, CO 80265

Dear Ron,

I want to thank you for the time you took on June 18th and subsequently to explain your proposal for operations on the Pinedale Anticline. Our tour of your drilling activities and discussions were particularly helpful in understanding the approach that Questar is offering.

It is very important to our interests that valuable wildlife resources are adequately protected whatever land use activities occur on and in the area of the Anticline. That is especially true for sage grouse populations. Sage grouse have suffered declines over time for a multitude of reasons, and recent expansion of energy development within their remaining range is of great concern. Growing evidence shows a link between some levels of development and substantial reductions in grouse populations. The nearby Jonah development is instructive in that respect.

Your proposal is intriguing in the significant reductions in activity levels it promises. Fewer drilling rigs in operation at any point in time, reduced vehicular traffic, reduced surface area disturbance and a much shortened period of development would be welcome benefits for grouse. As you know, there are special seasonal concerns that encompass breeding and brood-rearing periods for grouse. Field data presented in Cheyenne indicates that measurable disturbance of grouse breeding activity extends out to 3 kilometers or more from active drilling. Your ¼ mile buffer should be at least re-evaluated in that light. The extent of buffers and seasonal activity in proximity to leks and nest sites are critical factors that can determine the chances for long-term continued use of those important areas. Further, attention to the potential impacts of noise would be of additional value.

It is critical that the provisions of your proposal be closely adhered to for two important reasons. First, there is a real risk, supported by field data, that year-round activity is stressful to wildlife populations within an undetermined distance from development activities. We know that such stress is often reflected in early mortality, lowered reproduction and area avoidance [i.e. loss of range] in many wildlife populations. Second, if we are to learn useful lessons from this departure from past operations, it is essential that this be treated as a controlled experiment. Practices and activities must be consistent and consistently applied. All provisions of the proposal must be implemented. And you must be prepared to adjust your operations, based on acquired data, in a timely manner. If implemented as described, your proposal offers specific opportunities to learn lessons of broad applicability. A team approach to the design and oversight of data collection and monitoring would increase the level of confidence of all who have a stake in the outcomes. It is this opportunity to learn useful information about the relationship between energy development activities and wildlife population dynamics that may compensate for the risks of year-round activity. We recognize your commitment to the long-term mule deer study and encourage similar research attention to sage grouse over the period of development. Expansion and extension of existing sage grouse research would be of great value, and we would welcome the chance to explore these and other specific information needs with you.

In summary, the North American Grouse Partnership sees positive opportunities and is prepared to work with Questar to assure that any year-round operations would be undertaken carefully and would provide sufficient offsetting benefits to outweigh the associated risks. The opportunity to learn from this 'experiment' is a benefit that promises to balance that risk, thus adequate monitoring and specific research investments are fundamental to our support.

I would be glad to discuss any questions you may have, and look forward to continued discussions with you to satisfy our respective interests.

Sincerely,

James A. Mosher
Executive Director

Cc: R. Watson
K. Clark
P. Mecham

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

August 23, 2004

Honorable Gale A. Norton, Secretary
U. S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Norton,

We are writing to ask you to consider authorizing royalty reductions or credits to those entities with existing and future federal energy development leases. Proceeds from royalty reductions or credits should be designed to enable lessees to protect or enhance our nation's natural resources. The purpose of this request is to provide financial support to monitor, enhance and secure populations of prairie grouse and other natural resources.

The areas traditionally supporting prairie grouse are vibrant and proud human communities whose economies depend on livestock ranching, farming and oil and gas development. More recently, expanding oil and gas developments and conversion of native prairies to irrigated grain and peanut production are creating drastic changes across these landscapes. The impacts of these developments, when combined with a persistent drought in the West, have created concerns among many who live and work in these communities and among those who seek access to the cultural, physical and natural resources therein.

Most urgently, populations of several prairie grouse are experiencing serious declines in distribution and number. The FWS has documented the need for several of these species and subspecies to be listed as threatened under the Endangered Species Act, but the official action to list has been precluded by other higher-priorities. As you are well aware, this has created much concern among our farmers, ranchers and rural communities across the West.

We are currently developing the North American Grouse Management Plan. As part of this plan, we will prepare a list of specific actions that can be used to protect or improve grouse habitats. Among these actions are habitat and population monitoring, trapping and relocating grouse from healthy populations, modified livestock grazing systems, changing the season of use and density of energy developments, and enrolling lands in the suite of conservation programs available through USDA (Farm Bill) and the FWS.

Some of our recommended actions will require no more than a coordinated effort among those affected, such as those habitat improvements that can be made through the voluntary Farm Bill conservation programs, the FWS' Landowner Incentive Program, or the FWS' Partners for Fish and Wildlife Program. However, other recommendations will require financial incentives (including long-term annual incentive payments) to enable landowners and operators to complete the necessary improvements, such as may be the case when livestock operators need to reduce stocking rates. In many cases, these incentives do not yet exist. We have been exploring the feasibility of obtaining authorization to reduce the royalty payments made by oil and gas lessees to the federal government to help provide these incentives. A number of the energy companies have indicated that they would use such royalty reductions or credits to improve grouse or other fish and wildlife habitat or to monitor populations. We also are hoping that long-term annual incentives will be available in habitat improvement programs such as DOI's Partners for Fish and Wildlife Program and Landowner Incentive Program.

The North American Grouse Partnership lacks a clear understanding of the federal rules and regulations associated with development and extraction of our publicly owned energy resources. For that reason, we are asking you and your staff for assistance. We need to know whether royalty reductions or credits are authorized currently under existing law, and if so, if they can they be used to monitor, protect and enhance other natural resources such as for prairie grouse. If royalty reductions or credits are not authorized for this type of use under existing law, then we would like to explore with you the best process through which to secure that authorization.

Thank you for your consideration of this request. If you have any questions or would like to discuss this issue in person, please contact me or Terry Riley at (505) 286-8235 (triley@trcp.org).

Respectfully,

–original signed jam–

James A. Mosher, Ph.D.
Executive Director

Cc: Pete V. Domenici, Chair, Senate Energy and Natural Resources Committee
Jeff Bingaman, Ranking Member, Senate Energy and Natural Resources Committee
W.J. Tauzin, Chair, House Energy and Commerce Committee
John D. Dingell, Ranking Member, House Energy and Commerce Committee
Joshua B. Bolten, Director, Office of Management and Budget
James L. Connaughton, Chairman, Council on Environmental Quality
Kathleen Clarke, Director, Bureau of Land Management
Steve Williams, Director, US Fish and Wildlife Service

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

August 19, 2004

Anne M. Veneman, Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Veneman:

We are writing to request that you consider expanding the annual incentive payment options available for modified grazing systems under the Environmental Quality Incentives Program (EQIP). As you know, at present EQIP offers only up to three years of annual incentive payments to farmers and ranchers who choose to enroll in the program. While this time period may be sufficient for some land management practices, it does not provide the long-term incentive necessary for many of the land management practices available under EQIP.

We believe the most successful agricultural conservation program in history is the Conservation Reserve Program (CRP). This program offers many benefits to producers, including a constant stream of income during the entire contract period (10-15 years). This single benefit helps producers through an extended period of otherwise uncertain income, and it helps keep producers engaged in their contracts with USDA. We believe USDA should similarly offer annual incentive payments to producers through EQIP to enhance the program for the benefit of both producers and natural resources.

We are particularly interested in the gains that would derive from modifying EQIP to enable producers to receive annual incentive payments for up to 10 years for land management practices that benefit prairie grouse. As you know, many grouse species have suffered long-term declines in number and shrinking distribution. In fact, several species and subspecies are currently under consideration to be listed as threatened under the Endangered Species Act. This fact is not very comforting to those producers who already provide habitat for these prairie grouse within their operations.

We have talked with many producers who support prairie grouse populations. They have indicated that annual incentive payments throughout an extended EQIP contract period would attract them to the program, particularly for the benefit of prairie grouse. The primary reason they need annual incentive payments is to offset the loss of income that occurs when modifying their current grazing system. For example, research has shown that considerable rest is necessary for grazed pastures to provide suitable nesting and brood-rearing habitat for prairie grouse, particularly in areas of frequent drought or in areas with limited annual precipitation (<20 inches of precipitation per year). Complete rest in 2 of 5 years will restore most pastures to excellent breeding habitat for grouse within a 10-year period.

In arid regions, rest in 3 of 7 years may be necessary to restore habitat. This type of rest rotation grazing system could create considerable financial hardship for many producers without a continuous flow of annual incentive payments.

Congress identified wildlife habitat as one of the primary purposes of EQIP in the Farm Security and Rural Investment act of 2002 [Sec. 1240 (1)(b)]. Congress also authorized the Secretary of Agriculture to use incentive payments in EQIP to encourage producers to perform 1 or more land management practices [Sec. 1240B (e)]. Therefore, we believe it is completely within your authority to offer annual incentive payments to producers to encourage them to perform land management practices for the benefit of prairie grouse.

We ask that you consider authorizing the use of such payments to encourage producers to perform land management practices for the benefit of prairie grouse. These payments will help producers modify their existing grazing systems and perhaps avoid the conflicts that often arise related to endangered species protections. We are available to discuss this further with you or with the Natural Resources Conservation Service at your convenience. Please contact me or Terry Riley 505-286-8235 (triley@trcp.org) if you need additional information or our assistance in this matter.

Sincerely

-original signed by jam--

James Mosher, Ph.D.
Executive Director

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

28 July, 2004

To: Pat Deibert
U.S. Fish and Wildlife Service
4000 Airport Parkway
Cheyenne, WY 82001

From: Dr. James A. Mosher
North American Grouse Partnership
P.O. Box 408
Williamsport, MD 21795

Re: Petition to List Sage Grouse

I am providing these comments on behalf of the North American Grouse Partnership [Grouse Partnership] concerning the proposed listing of the Sage Grouse under the Endangered Species Act [ESA]. The Grouse Partnership is a non-profit conservation organization whose mission is to rebuild and nurture populations of North American grouse through conservation and restoration of the landscapes and habitats necessary for their continued existence. We believe that the petition to list the sage grouse should be found to be not warranted at this time for several reasons.

We have made an important first step on the road to sage grouse recovery. It is clear from the "Conservation Assessment of Sage Grouse and Sagebrush Habitat" [Assessment] recently released by the Western Association of Fish & Wildlife Agencies that sage grouse have declined markedly from historic population levels. Essential habitat has diminished in extent and quality, and many land use activities have potential to negatively impact the viability of sage grouse populations. The Assessment provides both a warning of imminent and growing challenges for sage grouse as well as a basis for implementing positive conservation actions to reverse the historic trend. It identifies where important information is lacking and thus serves as a guide to directing future research and conservation funding.

The multitude of planning and conservation measures being undertaken across the species range offer the greatest opportunity to stem declines and increase sage grouse populations and to reconnect fragmented habitats and populations. These measures include state fish and wildlife agencies' conservation planning efforts, state and federal supported local working groups, federal agencies' strategic planning efforts and conservation initiatives by private organizations and individuals.

Effective planning efforts are underway with short timelines for completion. Examples of these efforts include sage-grouse conservation plans already completed or nearing completion by several western states including Colorado, Idaho, Montana, North and South Dakota, Nevada [with California], Oregon and Wyoming. Further, range-wide conservation planning is well underway.

Federal land managers are consulting with state Fish and Wildlife agencies to develop a variety of provisions that will minimize land use impacts on sage grouse populations and habitat. The Western Governors' Association has highlighted a number of examples of ongoing conservation efforts, and other similar projects are underway including a joint project of the Grouse Partnership and The Nature Conservancy on the Crooked Creek Ranch in Idaho. Leaders among the oil and gas industry are implementing Best Management Practices and, in many cases, going beyond standard BMPs to test innovative ways to minimize impacts of their operations on grouse and other natural resources. Most, if not all of these efforts depend for their continuation and success on close cooperation and coordination among federal and state agencies, local governments, conservation organizations, industry and private land owners. Cooperation among groups with often divergent and/or conflicting objectives is a challenge at best, and we believe that listing the sage grouse could be counterproductive to these efforts, and may assure failure of some.

Federal efforts are directed at both public and private lands. The BLM draft National Sage Grouse Habitat Conservation Strategy will provide a plan to address conservation on BLM-managed lands. Over 70% of remaining sage grouse habitat is federally owned or manage, and 50% of that is BLM land. The Natural Resource Conservation Service has prepared a strategy for focusing conservation programs that use incentives for private landowners to conserve or enhance Sage-grouse habitat.

Federal action, while not the only answer, is critical to successful conservation of sage grouse. Given the large percentage of sage grouse range they manage, BLM will play a pivotal role in the success or failure of sage grouse conservation. It is especially important to note that, however positive all the strategic planning is, little of value will be accomplished for sage grouse without implementation of those plans. Further, it is critical that the FWS consider all existing and projected land uses within sage grouse range as a whole. These impacts on grouse populations are cumulative and may well be greater than the sum of the individual effects. Absent effective federal conservation efforts and adequate funding for sage grouse recovery, including a comprehensive monitoring program, the question of an ESA listing will likely need to be revisited.

In summary; we have a thorough assessment of current status and challenges, planning for sage grouse conservation is well underway at all levels from federal management agencies to private interests, cooperative and collaborative activities are in place or being developed, and strategies are being implemented by a variety of interests to conserve and enhance sage grouse populations and habitat. Oversight of public land planning and implementation efforts will be essential to monitor progress.

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